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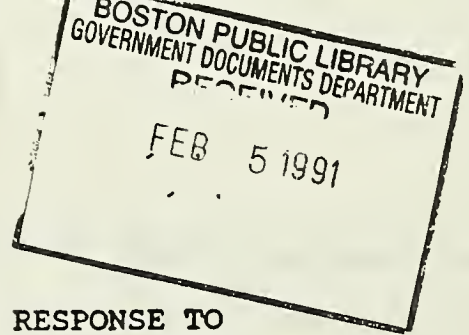
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THE BOSTON POLICE DEPARTMENT'S RESPONSE TO
THE DECEMBER 18, 1990 CIVIL RIGHTS DIVISION'S REPORT

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Boston, MA 02116

January 31, 1991

INTRODUCTION

On December 18, 1990 Attorney General James M. Shannon released the 72 page report of his Civil Rights Division, the result of two parallel investigations into allegations of civil rights violations by members of the Boston Police Department. The report purportedly addressed two separate allegations. First, that the Boston Police Department altered its policy of protecting the civil rights of all citizens guaranteed under the First, Fourth, Fifth, Sixth and Fourteenth Amendments of the U.S. Constitution in the utilization of a Threshold Inquiry under Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1860 (1968) and Commonwealth v. Lehan, 347 Mass 197, 196 N.E. 2d 840 (1964). Second, that the Department's homicide unit employed coercive interrogation techniques in implicating one Willie Bennett in the Carol Stuart Homicide on October 23, 1989. It is unfortunate that the Attorney General chose to release that part of his report concerning his findings, conclusions and recommendations on a matter which is currently pending before both a Federal Grand Jury and a Massachusetts Grand Jury. Such a premature release of confidential information in a criminal matter will ultimately hinder the pursuit of the truth in that well publicized and highly volatile case. The more prudent and professional law enforcement approach would be to withhold any public comment upon the matter pending the resolution of the case criminally. As such, this response will deal strictly with the Threshold Inquiry allegations.

BACKGROUND

The law concerning the right of a police officer to conduct a

Threshold Inquiry has not changed since the Massachusetts Supreme Judicial Court decided Commonwealth v. Lehan, supra, and the U.S. Supreme Court's landmark decision in Terry v. Ohio, supra, in 1968. A Threshold Inquiry is divided into two distinct phases, the stop and the frisk, defined as thus:

THE STOP - OFFICIAL POLICY

An officer may not stop every person whom he sees, but he may stop those with respect to whom he has a reasonable suspicion of unlawful design. Simply stated, this means that if an officer observes activity, which based on his training and experience leads him reasonably to suspect, on grounds that he could explain and articulate that a person has, is or is about to commit a crime, the officer, after identifying himself, may briefly detain that person to investigate.

This detention may be based on reasonable suspicion which is less than probable cause. But reasonable suspicion is more than a hunch or mere suspicion, or good faith belief. Reasonable suspicion may be founded on an officer's personal observations or may be based on information received together with the reasonable inferences which may be drawn from those observations and/or information.

Since the stop is based on less than probable cause, it must be brief and must not turn into a custody situation normally associated with an arrest. There are no specific time limits as to how long a Threshold Inquiry may last, and appropriateness will be determined on a case by case basis as dictated by the totality of the circumstances.

The officer should make a common sense objective determination as to how he may quickly yet thoroughly, confirm or dispel his suspicions.

THE FRISK - OFFICIAL POLICY

If the officer has objective facts which he can explain which lead him to believe that the person with whom he is dealing may be armed, and thus the person may pose a threat to the officer or others, the officer may frisk that person. Generally, a frisk is limited to a pat down of the outer clothing and the area within the immediate control of the person. The purpose of a frisk is to discover weapons. A frisk may never be conducted for the purpose of finding evidence.

A frisk, like the initial stop, is based on a standard which is less than probable cause. It must not turn into a search unless the frisk itself reveals evidence which would rise to the level of probable cause. A frisk cannot extend into a pocket or inside articles carried by a person.

MOTOR VEHICLES

The Threshold Inquiry may extend to people in motor vehicles, as long as an officer has reasonable suspicion that the occupants are engaged in criminal activity. If the officer has facts which he can explain and which lead him to believe that a weapon may be present, he may frisk the driver and passengers, and may search for a weapon in the passenger compartment of the car (including unlocked containers). An

officer must remember that he is looking only for weapons, and may not look inside containers which could not hold a weapon.

The preceeding six paragraphs collectively constitute the official policy of the Boston Police Department concerning Threshold Inquiries. It is important to note that pursuant to Chapter 322, Section 11, of the Acts and Resolves of 1962 only the Police Commissioner of the City of Boston can formulate policy for the Department. Therefore judicial opinions and dicta rendered in Superior Court trials, testimony given by witnesses at such trials, answers given to questions in a civil deposition, and statements made to the media by lower-ranking department members could be indicative of deviations from the official policy, but they are not official Boston Police policy. The Boston Police Department formally objects to the assumption of the Civil Rights Division of the Attorney General that such extraneous influences are able to alter the Department's long standing policy with regard to conducting a Threshold Inquiry.

The Boston Police Department finds it difficult to believe that the Attorney General's Office assumed that official policy had been changed based on these extraneous statements in light of the deposition testimony of the Police Commissioner in the Rolando Carr case. Such testimony will now be examined in detail to show that the Attorney General should have had knowledge that such an assumption on his part was erroneous, unethical and unprofessional, based on the questionable involvement of his Assistant Attorney General, acting at one and the same time as Chief of the Attorney General Civil Rights

Division and also one of the plaintiff's attorneys seeking damages in the Rolando Carr case, and especially after the Attorney General had issued a press release stating that a "Search on sight" policy did not exist.

On September 25, 1989, the District Attorney of Suffolk County, Newman Flanagan, wrote to the Police Commissioner and stated that after reviewing the actual policies in their written form and the testimony of certain police commanders assigned to Area "B" that "it is plainly apparent that there is no such thing as a 'search on sight' policy within the Boston Police Department either de jure or de facto." The Attorney General issued an October 13, 1989 press release which emphatically stated that "there is no so-called 'search on sight' practice as a matter of policy." In referring to such police commanders' statements and testimony, the Attorney General, at that time, asked "Do police commanders sometimes, in their frustration and in their desire to send a strong message to gangsters and gang members occasionally overstate the nature of their crackdown? Yes, I think they do. Such statements are inappropriate, counter-productive, and should be countermanded."

In the December 18, 1990 Investigative Report, the Attorney General completely contradicted his statements made in the October 13, 1989 press release. That contradiction cannot be based on the incomplete inaccurate and superficial investigation attempted by his Civil Rights Division.

The transparency of the Civil Rights Division Report is further exposed by the October 13, 1989 press release statement that "if a demonstrable, consistent pattern of such conduct is shown to exist, I would not hesitate to stop it." The Report's Conclusion (p. 60) that the Boston Police Department "engaged in improper and unconstitutional conduct in the 1989-1990 period with respect to stops and searches of minority individuals" must be incapable of proof and inconsistent, as the Civil Rights Division failed to even file a complaint for injunctive relief.

In U.S. District Court Case Number -89-29952, Rolando Carr v. The City of Boston, the Police Commissioner gave the following testimony at a deposition held on May 11, 1990: (P.9)

When asked if he had the responsibility to set policy for the Department, the Commissioner responded:

I utilize members of the command staff, and we would many times sit around in this office and discuss issues that I think are important to the people of Boston, and as a result of those discussions and input, I finally make a decision in terms of policy, whatever that issue may be and disseminate the appropriate special orders or Commissioner's memorandums.

On P.11 of the Deposition he was asked how the Department becomes aware of a policy:

Given the fact that we are a para-military organization, I would say that policy and directives and instructions are best disseminated by means of a written document.

After having been asked if he had become aware of statements made to the media by members of his command staff, and after having

testified that he explained to such members that such statements would not be tolerated (Dep., P.73), he was asked "what was the next thing you did as a result of that statement?" to which he replied:

I believe I instructed Superintendent Evans that every police officer would receive this memorandum and would be read at the roll calls.

Q. Do you remember whether or not that was in fact done?

A. To the best of my knowledge, that was done.

The Memorandum referred to is the Commissioner's Memorandum 89-35, dated May 23, 1989 (Dep., P.76, line 19, copy attached). Further, the Commissioner testified that he had a series of meetings to reassure community people of his commitment to the protection of Constitutional Rights (Dep., 9.78, line 9), and that he attended some roll calls at the districts to further emphasize his (and the Department's) commitment to protecting such Rights (Dep., P.78, line 16).

ETHICAL CONSIDERATIONS IN CONDUCTING AN INVESTIGATION
OF THE ROLANDO CARR CASE BY THE CIVIL
RIGHTS DIVISION OF THE ATTORNEY GENERAL

On or about November 21, 1989 a complaint was filed in Suffolk Superior Court naming Rolando Carr, Kenneth Lowe, Malik Staten, Darren Borden, and Howard Borden as plaintiffs and naming as defendants the City of Boston, William Celester, David Walsh, Paul Farrahar, Robert Johnson, Clayton Pressley, Jr., Richard Caines, and three unknown police officers. The complaint, however, is signed by the Chief of the Civil Rights Division on behalf of the Civil Liberties Union of

Massachusetts. The Chief of the Civil Rights Division of the Attorney General's Office then sends a request, dated May 31, 1990, to Superintendent Joseph Saia stating that her office is investigating Boston Police Department "search practices" and seeking documentation on 56 separate incidents (see attachment). This request from the Civil Rights Chief comes four months before the scheduled trial date of Carr, et. al., of which her office had been intimately involved as counsel of record for the plaintiffs.

As the first ten requests involved the five plaintiffs in the Rolando Carr case, the Department could not respond without risking civil liability in a pending suit (see attachment). Four of the remaining requests should have been addressed to agencies other than the Department (i.e. Registry Police, MBTA Police, Municipal Police and private security firms).

For twenty of the remaining 42 requests, the Department provides either an Incident Report or Radio Transmission concerning the incident.

The remaining twenty-two requests are so hopelessly vague and devoid of any identifying data that the Department, and indeed anyone, is unable to investigate the Attorney General's requests. As an example see Attorney General's request May 31 number 25 which recites the following: "On an afternoon in August, 1989, at about 5 - 6:00 pm, a number of black youths, driving in two jeeps down Blue Hill Avenue, were stopped by approximately four cruisers and searched".

Perhaps the single most disturbing issue concerning the Assistant

Attorney General's dual representation concerns pages 18 through 20 of the December 18, 1990 Report. The Civil Rights Division did not specifically request any information from the Internal Affairs Division (IAD) of the Boston Police Department, and none was provided to them in the Department response the May 31, 1990 request. Yet the Report explicitly details the information contained in seven IAD complaints filed with the Department which were produced at the deposition of Deputy Celester in the Rolando Carr proceeding. Not only is the confidential information used in the Report, but the Division then arrogantly concludes that the Department did not fully investigate such complaints because documentation of the resolution of such complaints was not provided, despite the absence of a request for such resolutions and despite the failure of the Division to investigate whether a resolution had been made. The only possible source for these privileged Internal Affairs reports is co-counsel of record in the Carr case.

Another ethical consideration is raised by the fact that the Attorney who signed the complaint in a civil action then proceeds to violate the letter, if not the spirit, of the settlement agreement in that case. Paragraph five of the Settlement Agreement entered into by the parties in the Rolando Carr, U.S. District Court Action Number 89-2995-Z specifically reads "[t]he settlement of this action is not an admission by the City of Boston nor its agents, servants or employees, that it at any time established or condoned a custom, policy or practice of stopping and frisking and/or searching any person in any manner not permitted by law." And yet, the tone of the Civil Rights

Division's Report assumes that the Department is liable for an unconstitutional policy where no such liability has ever been established.

THE ATTORNEY GENERAL'S REPORT FAILS TO
DIFFERENTIATE THE NUANCES CONCERNING
SEARCH AND SEIZURE ISSUES

Under the United States and the Massachusetts Constitutions and case law there are varying gradations concerning search and seizures issues: warrantless searches and seizures of a person are permitted under certain circumstances (threshold inquiries, stops and frisks, searches incident to arrest, inventories of the person at the booking desk); of a person to prevent loss of evidence, (the plain view doctrine, of a search after an arrest); of an automobile: (search incident to arrest, to prevent loss of evidence, inventory of a motor vehicle), and issues concerning driver's license and motor vehicle registration checks. Despite the myriad of standards (reasonable suspicion, probable cause, articulable facts, etc.) and situations, upon which numerous Constitutional and Criminal Procedure treatises are written, the Civil Rights Division's Report characterizes every one of the fifty-six alleged incidents as a stop and search where there is no supportable evidence that such stops took place. The Report then emphatically concluded without basis that the sole reason all the alleged stops took place is tied somehow by this twisted logic into a policy of gang harassment. The following examples are illustrative:

EXAMPLE NO. ONE: Request number eleven of the May 31, 1990 request reads as follows: "In early August, 1989 two black males were stopped while driving a jeep down Normandy Street in the vicinity of Intervale Street. They were pulled over by a marked cruiser and searched. About three additional cruisers arrived. Apparently one of the individuals, John X, was arrested on an outstanding warrant." On page 23, paragraph 8 of the December 18, 1990 Report, the same incident is described as follows: "A 30 year old black male stated he was stopped in August, 1989 while driving down Normandy Street with a friend. A police cruiser began to follow them, then pulled them over. One officer said, 'get out the mother f-----g jeep and don't let me have to tell you twice.' When the complainant said, 'Excuse me?' the officer reportedly responded, 'Oh, you're a f-----g tough guy. Give me your registration.' The complainant was taken out of the jeep, handcuffed, and placed in the cruiser. He was arrested on a non-support warrant". The Attorney General's report further states in regard to this incident "A police report dated July 12, 1989 appears to refer to this incident. The report indicates that in the course of responding to a report of a shooting, officers noticed a car driving down Normandy Street at a speed greater than posted. The report notes that when the car was stopped and the driver was asked for his license and registration, he became 'loud and questioning.' The driver was then asked to exit the vehicle, but the report does not indicate that he actually did so. Instead, according to the report, he produced his license and registration, and when the license check indicated a default warrant, he was arrested."

RESPONSE TO EXAMPLE NO. ONE: The Department would simply state the obvious: according to Incident Report No. 91629170, the police officers were responding to a radio call for shots fired in a residential area when the complainant was spotted speeding away from the scene. The above constituted probable cause to stop the motor vehicle. Upon investigating the stop, a license and registration were requested four times while the suspect complained about the police officer failing to stop for a stop sign. At this point the suspect was in violation of M.G.L. ch. 90, sec. 25, (refusal to submit to the lawful order of a police officer) hence there was reasonable suspicion to further investigate. The suspect was then asked to step out of motor vehicle, at which point he produced his license and registration. A radio check for Warrants returned an outstanding Default Warrant from Dorchester District Court; hence the suspect was arrested pursuant to this warrant.

There is absolutely no evidence that this incident involves a "stop and frisk" issue. Why, then, is it included as one of the so-called "ten complaints received by the Attorney General concerning threshold inquiry or stop & frisk searches"? (Note: it is obvious also from reading the Civil Rights Division's response to the Police Officer's documentation that the Civil Rights Division never contacted or spoke with this suspect, as they would have at least ascertained whether the incident was in July or August, and also whether he stepped out upon being asked to or at some later point. If they did not in fact contact the suspect, where did the "conversation" come from? The lack of

professionalism in the Civil Rights Division's Report will be raised later in this report).

EXAMPLE NO. TWO: The May 31, 1990 request number 33 reads as follows: "In September 1989 Gerard X and at least one other youth were detained and searched in the Wellington Footpath area of Mattapan. Again, the officer communicated some information by radio." The Report describes the incident as follows on p. 30, paragraph number 10 (in pertinent part) "A sixteen year old black male stated he had been searched several times. . . . The complainant and a friend were stopped again by two officers on the Wellington Hill Footpath in Mattapan while returning from work. . . . in a third incident, the complainant and a friend were searched on the corner of Blue Hill Avenue and Almont Street".

RESPONSE TO EXAMPLE NO. TWO: In Incident Report No. 91649554, both the complainant and his friend were arrested for possession of a sawed-off shotgun on July 18, 1989. The police officers responded to a radio call to Almont Park to investigate a report of men with guns. Upon arrival the officers entered the park and got within 15 feet of the suspects, ordered the suspects to halt, and saw both suspects throw their shotguns to the ground. This incident could be classified as plain view probable cause, giving the basis to arrest. Both sixteen year old subjects were arrested at the scene.

The Civil Rights Division's Report inexplicably include this incident as one of nineteen so-called "MORE INTRUSIVE SEARCHES", again without a scintilla of evidence that this involved either a stop and frisk or even search incident to arrest issue.

THE CIVIL RIGHTS DIVISION'S REPORT LACKS THE
PROFESSIONALISM MANDATED BY THEIR STATUS
AS A DIVISION OF THE CHIEF LAW ENFORCEMENT OFFICIAL
IN THE COMMONWEALTH

On Page 20 of the Civil Rights Division's report the first full paragraph states that "it does not appear that any of the complaints received by the BPD in the 1989-1990 period regarding unlawful searches has resulted in disciplinary action." As has been previously noted, the Civil Rights Division's office made no efforts to ascertain the resolution of any of the IAD complaints obtained from the Carr case. For the record the Department states that the cases are all either not sustained or filed due to the complainants refusal to cooperate with an investigation, which makes it impossible to conduct any meaningful investigation of these incidents.

In addition, two police officers were terminated as a result of an illegal search of a suspected drug dealers apartment during this period.

On Page 41, paragraph ten of the Report the Civil Rights Division includes an allegation of an unlawful search committed by a Registry Police Officer. As an agent of the State the Registry is under the jurisdiction of the Attorney General, and to compound the embarrassment the Report disingenuously states that the Registry was unable to supply any documentation for the allegation, after having castigated the Boston Police Department for failing to cooperate.

On page 34 in paragraph number 16 the Report states the following:
"On March 8, 1990, two Public Protection Bureau Investigators (i.e.

Attorney General Investigators) went to the Mission Hill area to see if they could observe any searches occurring. At about 11:15 a.m., while driving down Parker Street, they observed two white males exit from an unmarked vehicle and began to search a white male by going through his pants and jacket pockets. The two officers then returned to their vehicle and drove off. The investigators then followed the man who was searched and asked if he knew the men who had stopped him. He said he did not, and knew of no reason why he had been stopped, but cooperated with the detectives because he had nothing to hide." The paragraph concludes. . . "The BPD was unable to produce any written incident report."

This mind-boggling sequence of events begs the questions: is there some rational reason why the "investigators" did not get the name of the individual who was questioned? Was the license plate of the "unmarked" car ever run through the Registry? Did these men expect the questioned individual to confess that the reason he was stopped was that he was a known felon? If the individual was "cooperating" why didn't they get his name? Why didn't they follow the unmarked car to see which, if any, police district it returned to? Finally, if the idea of this 72 page report and the Rolando Carr suit and the requests for 56 incidents is to establish a "policy" of searching Black or Hispanic gangs without lawful justification, why is an alleged incident of the search of an individual who is Caucasian being included?

On Page 42 of the Report in Paragraph 12 and 13 the following is included:

"Two individuals who identified themselves on a TV program (the "Mission Hill Speaks" segment of "Say Brother", rebroadcast on January 28, 1990) stated that they had witnessed or been subjected to strip searches." If this assertion were not so ridiculous it would border on the sublime. Again, how is it that these two individuals are not afraid to publicly declare themselves on television as witnesses and yet they are reluctant to speak to the Civil Rights Division for fear of reprisal?

The fact that the Civil Rights Division includes as part of their "evidence" alleged statements made on a local Boston television show, along with the allegations of statements made to the media by lower ranking Department members, and coupled with the allegations made in the Boston Globe article written by Peter Canellos (NOTE: it is more than mere coincidence that both the Globe article and the Civil Rights Division interviewed "more than fifty individuals" concerning the allegations) strongly indicate a clear motive in trying these allegations in the media. It is clear that the Civil Rights Division completed their investigation in early August, 1990 and yet delayed release of the Report until mid-December.

THE ATTORNEY GENERAL'S INVESTIGATOR ALLEGEDLY
COMMITTED A WILFUL AND RECKLESS ACT IN ADVISING
SCHOOL CHILDREN TO CARRY KNIVES TO SCHOOL FOR
PROTECTION AS LONG AS THEY WERE SIX INCHES OR
LESS IN LENGTH

An Attorney General's Investigator went to Hyde Park High School or or about March 23, 1990 and while in Room 105 informed the

students that he was present to investigate complaints concerning young Black males being illegally stopped and searched and concerning young Black females being strip searched in the streets by Boston Police Officers (NOTE: There is not one single such allegation of females being strip searched in either the May 31, 1990 requests or the Civil Rights Division's Report). In response to a student's question concerning whether the investigator carried a knife, the investigator stated that he carries one all the time. He then encouraged all those students who wished to be protected to carry a knife under six inches in length to the school.

Witnesses and signed affidavits are available to state that this investigator made the above-mentioned wilful and reckless statements, and the Department so informed the Civil Rights Division. As yet, no investigation by the Civil Rights Division of this incident has even been commenced. Meanwhile, it is of vital importance to point out that the first murder in the history of the Boston School system thereafter occurred by a student using a concealed knife. Such a senseless tragedy might have been avoided if there had not been a tacit acceptance of the idea of school children carrying deadly weapons. Schools must be made safe for all children to attend without creating paranoid atmosphere in which students feel compelled to arm themselves because other students may be armed. For a member of the Attorney General's Office to make statements which feed such paranoia is to invite further violence and cannot be condemned strongly enough.

THE CIVIL RIGHTS DIVISION'S REPORT INTENTIONALLY
DISREGARDS THE BOSTON POLICE DEPARTMENT'S
RESPONSE TO THE INITIAL ALLEGATIONS CONCERNING
UNLAWFUL SEARCHES AND SEIZURES

As has been previously noted, on October 13, 1989 the Attorney General issued a press release in which he proclaimed that it had been demonstrated to him that there was no search on sight policy in the City of Boston. In reversing themselves in their December 18, 1990 Report, however, the Civil Rights Division fails to mention exactly what it was they reviewed in order to arrive at such a contradictory conclusion.

On May 23, 1989 the Police Commissioner issued Commissioner's Memorandum Number 89-35 (see attachment) which reiterated the Department's long standing policy of protecting the civil rights of all citizens. Such a Memorandum was then reissued to each police officer in Area "B" in August of 1989 (see attachment). Subsequently, allegations appeared in the media by a certain Union Official claiming that some Superior Officers within the Department were aware of either the fact that unlawful searches were taking place or that some Superior Officers had ordered other police officers to conduct such illegal searches. Every Superior Officer of Area "B", Area "E", and the City Wide Anti-Crime Unit then responded in writing that in fact no such orders to search on sight were given or that such searches were undertaken.

On October 12, 1989 the Commissioner issued Memorandum Number 89-76 which further clarified the Departments use of a Threshold Inquiry

(see attachment). In addition, in early October of 1989, the Bureau of Field Services broadcast over Department station monitors training programs in the areas of "Threshold Inquiry" and "Search and Seizure" (see attachment).

In January of 1990 Police Commissioner Roache convened an Advisory Committee composed of former Chief Justice Edward F. Hennessy, Harvard Law School Professor Charles Ogletree, Northeastern University Professor Norman Rosenblatt, and the Executive Director of Roxbury Youthworks, Luis Velez, to review the Department's Fourth Amendment practices and procedures (see attachment). The Hennessy Committee then submitted its final recommendations on March 20, 1990, making five recommendations in general (see attachment). Foremost among the recommendations was the establishment of so-called "neutral reporting sites" for taking citizens complaints, implemented in Commissioners Memorandum Number 90-46. (see attachment). It is important to note that to date not one single complaint concerning an illegal search has been received at any of these locations.

In order to present its obviously biased conclusion, the Civil Rights Division's Report intentionally disregards all the above-mentioned remedial efforts undertaken by the Department in much the same way it ignored the fact that only the Commissioner can set policy. It is inconceivable to the Department that a Bureau of the chief law enforcement official of the Commonwealth would contradict itself so completely, basing its findings on the paucity of information gathered after such a superficial and amateurish investigation.

CONCLUSION

The issuance of the Report by the Civil Rights Division at the eleventh hour of the expiration of their term in that office is an unfortunate and perhaps deliberately devisive tactic.

It seems to be the classic case where an investigation was ordered solely to justify a pre-conceived conclusion prejudicial to the officers of the Boston Police Department. "Investigators" were paid and dispatched into the neighborhoods of the city. Apparently, after the failure of these investigators to fully document their findings fifty-six "Stop" incidents were presented to the Department for investigation. Most of these fifty-six alleged incidents were totally lacking even in the most elementary information necessary for conducting any investigation. Missing from the information were names, addresses, dates, times and locations of the incidents and other necessary particulars.

The total investigation by the staff of the Attorney General consisted solely of those fifty-six badly-documented allegations, many of which, if not for the gravity of the charges implied by the Report are almost ludicrous on their face.

Finally, the Civil Rights Division, contrary to reasons stated in their Report, did not bring charges of violations by Boston Police Officers for one reason only: the total failure of their investigators to substantiate the biased and prejudicial conclusions which were the basis of their launching this investigation and issuing this report.

ATTACHMENTS

1. Commissioner's Memorandum 89-35.
2. Attorney General May 31, 1990 Letter - 56 Requests.
3. Department Response to May 31 letter - Supplemented by January 8, 1991 review.
4. Deputy William Celester's Report - 8/31/89 and subsequent Superior Officers reports and Broadcast Reports.
5. Commissioner's Memorandum - 89-76.
6. Hennessey Report.
7. Commissioner's Memorandum 90-46.
8. Attorney General Shannons October 13, 1989 - Press Release.
9. Report on 10 named plaintiff's - Rolando Carr Suit.



THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF THE ATTORNEY GENERAL

JOHN W. McCORMACK STATE OFFICE BUILDING
ONE ASHBURTON PLACE, BOSTON 02108-1698

JAMES M. SHANNON
ATTORNEY GENERAL

May 31, 1990

Superintendent Joseph Saia
Boston Police Department
154 Berkeley Street
Boston, MA 02116

Dear Superintendent Saia:

As you know, this office has for several months been investigating allegations regarding search practices by the Boston police, primarily in the areas of Roxbury, Dorchester, and Mattapan. In connection with our investigation, we have received numerous reports of searches conducted by members of the department, both uniformed and plainclothes. A few of the incidents apparently resulted in arrests.

In order to conduct a thorough investigation, we are requesting that the department supply us with all documentation relating to these incidents, including incident reports, arrest reports where applicable, copies of citations or complaints, copies of radio transmission tapes, log entries, and photographs. A listing of the incidents follows.

You will note that in some cases we have more specific date, time, and location information than in others, but we request that you or your designee search your files in order to locate any relevant documentation.

- (1) On or around October 10, 1989 at approximately 8:00 p.m., a number of black males including Rolando Carr and Kenneth Lowe were apparently searched in the vicinity of the Franklin Hill Development by Officers Richard Caines and Clayton Pressley, among others.
- (2) On or about July 10, 1989 at about 8:30 p.m., Darren Borden was apparently searched at or near the Ruggles MBTA station by two officers.
- (3) On or about January 22, 1989 at about 5:30 p.m., Howard Borden was apparently searched in the area of Shawmut and Camden Streets by an undetermined number of officers.

- (4) On or about January 29, 1989 at about 4:30 p.m., Howard Borden was apparently searched in the area of Hammond and Tremont Streets by at least two officers.
- (5) On or about August 15, 1989 at about 3:30 p.m., Howard Borden was apparently searched in the area of Glenway and Harlem Streets by two plainclothes officers.
- (6) On or about September 23, 1989 in the evening, Kenneth Lowe was apparently searched in the area of Franklin Hill Avenue by an undetermined number of officers.
- (7) On or about October 2, 1989 at about 9:00 p.m., Kenneth Lowe was apparently searched in the area of the Franklin Hill Development by two officers.
- (8) On or about July 27, 1989 at about 9:30 p.m., Malik Staten was apparently searched in the Dalrymple Street area by two officers.
- (9) On or about September 19, 1989 at about 10:00 p.m., Malik Staten was apparently searched in the Eggleston Square area by as many as four officers.
- (10) On or about August 14, 1989 at about 10:00 p.m. Malik Staten was apparently searched in the vicinity of the Jackson Square T station by at least two officers.
- (11) In early August 1989 two black males were stopped while driving a jeep down Normandy Street in the vicinity of Intervale Street. They were pulled over by a marked cruiser and searched. About three additional cruisers arrived. Apparently one of the individuals, John Rice, was arrested on an outstanding warrant.
- (12) On or about March 2, 1990 at about 10-10:30 p.m., two young black men were searched by detectives identified as Flynn and McGill in the vicinity of Warner or Warren Street in Roxbury. One, Theodore Young, was arrested and taken to the Area B police station.
- (13) On or about January 25, 1990 Officers Flynn and McGill apparently stopped and searched Theodore Young in the vicinity of Intervale Street and arrested him for possession of cocaine.
- (14) In July 1989 in the evening a group of young black men were apparently searched in the vicinity of Norfolk Street, Dorchester by at least two officers. At least one of the young men, Jermaine Ellis, was arrested on a cocaine charge.

- (15) In December 1989 at least three young black men were searched in the Brigham Circle area at about 9:00 a.m. At least three officers were evidently involved. We believe one of the youths, Damien Bowden, may have been arrested for drinking in public.
- (16) On or about January 17, 1989 Edwin Jacobs was stopped in the vicinity of Warren Street, Roxbury at about 12:00 a.m. by two detectives, one of whom may have been named DeLuca. We believe Jacobs was arrested for disorderly conduct.
- (17) In March 1990 one Reggie Colon was stopped, searched, and arrested, we believe for larceny of a motor vehicle, by an undetermined number of officers.
- (18) On or about July 13, 1989, Terrance Williams was searched and arrested in the vicinity of Parker Street or Prentiss Street at about 8-9:00 p.m. by detectives who may be named Pishkin and Doucett. We believe he was charged with being a disorderly person.
- (19) On or about October 5, 1989 a young black man was stopped and searched by Detective Flynn and at least one other officer in the vicinity of Blue Hill Avenue.
- (20) On or about December 7, 1989 at about 7:00 p.m., Officer Bobby Mercer stopped and searched a black youth in the area of Intervale Street.
- (21) On or about February 9, 1990 at about 1:30 p.m. two black males were stopped and searched while sitting in a vehicle outside Jamaica Plain High School. At least two officers were involved, one of whom may have been with Municipal Building Police or the Boston School Police.
- (22) In late October 1989 a number of black youths were stopped and searched in the Huntington Avenue area near Mission Hill at about 9-9:30 p.m. by at least two officers in a marked cruiser.
- (23) On or about January 24, 1990 at least two young black males in an automobile were searched in the area of Dudley and Warren Streets at about 2:30 p.m. by approximately four officers.
- (24) In March 1990 about five black youths were stopped and searched by detectives identified as Colon and O'Connor at 93 Waldeck Street, Dorchester, at about 4:30 p.m.
- (25) On an afternoon in August 1989 at about 5-6:00 p.m., a

number of black youths, driving in two jeeps down Blue Hill Avenue, were stopped by approximately four cruisers and searched.

- (26) On or about March 16, 1990 at about 7:30 p.m., approximately three black youths were stopped and searched by about four detectives who emerged from a white Crown Victoria LTD in the vicinity of Blue Hill Avenue and Woolson Streets.
- (27) In February 1990 approximately two black youths were stopped by two officers in a marked cruiser in the Woodbole Avenue area of Mattapan. One of the youths was placed in a vehicle, driven around, and dropped off at another location.
- (28) In December 1989 at least two black youths were stopped and searched by Detective Bobby Flynn in the vicinity of Intervale and Normandy Streets in Roxbury.
- (29) On or about March 9, 1990 at approximately 2:00 p.m., a black youth was stopped by a uniformed officer and searched in the Mattapan Square area.
- (30) On or about March 10, 1990 at about 1:00 p.m. a black youth was stopped and searched by two uniformed officers in the Mattapan Square area and told not to be seen in the square again.
- (31) On an evening in April 1990 at about 8:45 p.m. at least one black youth was stopped and searched in the area of Crawford and Warren Streets by at least three detectives who emerged from an unmarked cruiser.
- (32) On an evening in August 1989 Gerard Winn and at least two other youths were stopped and searched by at least two officers, then taken for a ride while one of the officers communicated some information to the radio dispatcher.
- (33) In September 1989 Gerard Winn and at least one other youth were detained and searched in the Wellington Hill Footpath area of Mattapan. Again, the officer communicated some information by radio.
- (34) In early December 1990 at about 10:00 p.m. Gerard Winn and at least one other youth were searched in the vicinity of Blue Hill Avenue and Almont Street by at least two officers, one of whom was possibly Officer Feeney.
- (35) At about 4:30-5:00 a.m. one morning in December 1989, two police officers stopped a black man in the Jackson Square

area and searched through his bag.

- (36) On or about March 5, 1989 in the evening, a group of approximately four black youths were stopped, thrown to the ground, and searched in the vicinity of Magnolia and Woodledge Streets, Dorchester, by at least four officers who emerged from a vehicle labeled "Straughterhouse Associates" or something similar. About an hour later the car returned and the youths were searched again. It is not clear if any of these officers were Boston police; however, you may have a radio dispatch or some other documentation.
- (37) On or about October 24, 1989 in the afternoon, about five black youths were stopped in the Washington Street area in Dorchester by two uniformed officers in a marked cruiser.
- (38) At about 3:00 p.m. on a date in early July 1989 a group of black youths were stopped and searched in the area of Martin Luther King Boulevard and Walnut Avenue by officers in at least three cruisers. Shots had evidently been fired in the area.
- (39) At approximately 9:30-10:00 p.m. on an evening in early November 1989 about three black youths were stopped and searched in the area of Warren and Copeland Streets by at least two officers. Evidently a small knife was found.
- (40) On or about January 22, 1990 at about 10:30 p.m. a black youth was stopped and searched in the area of Warren and Melrose Streets by two plainclothes officers in an unmarked blue LTD.
- (41) On or about October 26, 1989 at about 7:00 p.m., at least two black youths were stopped and searched by about three detectives in an unmarked blue vehicle in the area of Washington Street in Roxbury.
- (42) At about 10:30 p.m. on an evening in May 1989 a young black woman was stopped while waiting for a bus on Blue Hill Avenue by two officers in a marked cruiser, one of them female. Before the officers were able to search the young woman, she got on a bus that had arrived. The officers then evidently followed the bus, and stopped and searched the young woman when she alighted in the area of Castlegate Street.
- (43) On March 8, 1990 at about 11:15 a.m. a white male was searched on Parker Street in the Mission Hill area by two officers who emerged from an unmarked blue Chevrolet

Caprice, license #690BRE.

- (44) On May 4, 1990 at approximately 10:30 a.m. three black males were stopped at the corner of Mattapan Street and Blue Hill Avenue and questioned by officers driving a marked cruiser, license #7840. At least one of the men was searched.
- (45) On or about September 4, 1989 at about 8:00 p.m. a black youth was stopped by an officer in a marked cruiser while driving his Pontiac automobile on Norfolk Street in Dorchester. At least one officer was involved. After a license and registration check was completed, the youth was forced to exit his vehicle and was searched; the vehicle was also searched.
- (46) On or about April 6, 1990, a group of black youths were driving in a jeep down Blue Hill Avenue and were stopped near Talbot Avenue in Dorchester. Three police officers emerged from a cruiser and demanded license and registration. Additional officers (plainclothes) arrived in a white LTD Crown Victoria and searched the youths. Other officers searched the car.
- (47) On an evening in April 1989 two officers conducted a strip search of about 15 black youths on Dudley Street near the corner of Howard Avenue.
- (48) On or about June 7, 1989 at approximately 8:00 p.m. a middle-aged black man was stopped in the area of Humboldt and Homestead Streets by two officers in an unmarked blue vehicle. His bag and pockets were searched but he refused to submit to a strip search and the officers left.
- (49) At about 4:30-5:00 p.m. on an afternoon in early January 1990 a young Hispanic male was stopped and searched on or near Horadan Way in the Mission Hill Development by two officers in uniform. The young man had just returned from work and his car may have also been searched.
- (50) On February 28 or March 1, 1990, Terry Price was stopped, searched, and arrested by a number of officers, including apparently Trent Holland and Robin DeMarco, in the vicinity of Washington and Dale Streets.
- (51) On or about January 19, 1990 about four black youths were stopped and searched in front of or near the Roxbury Boys and Girls Club by at least two officers.
- (52) At about 7:30 p.m. on an evening in early September 1989 a number of youths were stopped and searched by Detective

Colon and two other officers on Geneva Avenue in Dorchester, then warned to get out of the area.

- (53) On an evening in September 1989 about twelve black youths were stopped and searched outside a Chinese restaurant in the vicinity of Morton Street, Mattapan, by officers who arrived in at least two cruisers.
- (54) On or about September 5, 1989 at approximately 4:00 p.m. two black youths were stopped and searched in the area of Copeland and Warren Streets in Roxbury by at least two officers who were driving a white Crown Victoria LTD.
- (55) In early November 1989 two young black men were stopped and searched while walking on Wildwood Street in Dorchester. We believe the officers involved were with the MDC but the Boston Police Department may have a Turrett tape or other documentation regarding this incident.
- (56) On or about September 9, 1989, "in the early afternoon, two black youths and their automobile were stopped and searched in the area of Blue Hill Avenue and Harvard Street by officers in as many as four cruisers. We believe they may have been Registry police, but again, your department may have Turrett tapes or other documentation.

I realize that this is a lengthy request, and that it may be difficult to locate documentation for certain incidents where we do not have precise dates or times. Nevertheless, I would appreciate your prompt cooperation in locating those documents and tapes that you are able to find, and supplying us with copies of them.

A number of individuals we interviewed expressed concern about retaliation if it became known that they had spoken with us. Others declined to be interviewed but nevertheless may have been part of a group that was searched. In still other cases we received information from witnesses but not those who were the subject of the searches. Because of the fears expressed by some of those who have come forward with complaints (a process that I know the Boston Police Department encourages), I would very much appreciate your efforts to keep this information confidential and disclose it only to those within the department who are needed to locate the documentation we request.

Superintendent Joseph Saia
May 31, 1990
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Please let me know how soon you may be able to respond to this request. I look forward to your cooperation.

Many thanks.

Sincerely,

Marjorie Heins, Chief
Civil Rights Division
(617) 727-2200

MH:jek
cc: ✓ James Hart, Legal Counsel
Boston Police Department

8895G

Boston

August 6, 1990

TO: Superintendent Paul F. Evans
Chief, Bureau of Field Services

FROM: Deputy Superintendent Ann Marie Doherty
Commander, Operations Division

SUBJECT: Attorney General's Request

Sir:

On June 22, 1990, the Operations Division received the attached request initiated by the Department of the Attorney General. Following is a summary of our attempts to locate the "copies of radio transmission tapes" requested.

Tapes of radio transmissions are currently maintained for approximately six months unless requested to hold tape(s) for specific date(s) for a longer period of time. "Tape no longer available" is indicated if the tape is for more than six months ago and an earlier request to hold has not been received.

1. Tape no longer available.
2. Checked the channel covering the Ruggles MBTA station area from 8:00 p.m. to 9:00 p.m.; nothing found relative to an individual being stopped. During this time period, however, the channel dispatched thirteen calls for possible felonies, including two gun calls. Also during this time period, two descriptions involving a minimum of five individuals were broadcast.
3. Tape no longer available.
4. Tape no longer available.
5. Tape no longer available.
6. Tape no longer available.
7. Tape no longer available.



August 6, 1990

8. Tape no longer available.
9. Checked the channel covering the Egleston Square area from 9:30 p.m. to 10:30 p.m.; nothing found relative to an individual being stopped. During this time period, however, the channel dispatched seven calls for possible felonies, including four gun calls.
10. Tape no longer available.
11. Tape no longer available.

Also, no record of a John Rice being arrested during August, 1989. There is a record of arrest, however, for July 12, 1989. (attached, 11) Tape for July 12, 1989, no longer available.

12. Arrest of Theodore Young documented on Incident Report No. 01190306 (attached, 12). A review of the tapes reveals a detective unit requesting assistance at 56 Brunswick at approximately 9:43 p.m. on channel 3; various units responded and controlled situation; transmissions relative to this cease at approximately 9:47 p.m.
13. Arrest of Theodore Young documented on Incident Report No. 01082238 (attached, 13). A review of the tapes reveals conversation between detectives on the detectives channel relative to positioning of "goods" people, etc., between approximately 7:03 p.m. and 7:06 p.m. At approximately 7:09 p.m., detective unit requests cruiser for transport on Channel 3. More conversation on detectives channel between, approximately 7:14 p.m. and 7:17 p.m.
14. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.

Also, no record of a Jermaine Ellis being arrested during July, 1989. There is an arrest for a Jermaine Ellis on August 26, 1989, as documented on Incident Report No. 91783788 (attached, 14).

15. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.

August 6, 1990

Also, no record of a Damien Bowden being arrested during December, 1989. There is a record of three arrests during the three months previous as documented on Incident Report No.'s 91870051 (9/20/89), 92012935 (11/01/89), and 91955500 (10/16/89)(attached, 15). Tape for 9/20/89 available upon request.

16. Tape no longer available. Applicable Incident Report attached and identified as 16.
17. Need more specificity regarding date in order to identify tape to be searched and an approximate time.

Also, no record of a Reggie Colon being arrested during March, 1990.

18. Tape no longer available.
19. Tape no longer available.
20. Tape no longer available.
21. Checked the channel covering the Jamaica Plain High School area from 1:00 p.m. to 2:00 p.m.; nothing found relative to a person/vehicle being stopped. Municipal and School Police Departments are not on same frequency as Boston Police Department. During this time period there were four calls for possible felonies.
22. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.
23. A review of the tapes reveals that a unit was dispatched to Dudley and Warren Streets at approximately 2:24 p.m. on Channel B to respond to a call for "2 black men who dragged another man into a white jeep and are assaulting him." An officer finds a white Suzuki at Dudley and Warren Streets occupied by 2 black males. The occupant(s) was the victim and does not wish to pursue the matter. Transmissions end at approximately 2:34 p.m.
24. An incident occurring March 28, 1990, at 73 Waldeck Street is documented on Incident Report No. 01267016 (attached, 24). A review of the tapes reveals a unit requesting two cruisers and a tow truck to respond to 73 Waldeck.

August 6, 1990

25. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.
26. Checked the channel covering Blue Hill Avenue and Woolson Street area from 7:00 p.m. to 8:00 p.m.; nothing found involving non-uniformed personnel. During this time period there were thirteen incidents of possible felonies, six of these involving guns.
27. Need more specificity regarding date in order to identify tape to be searched and an approximate time.
28. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.
29. Checked the channel covering the Mattapan Square area from 1:30 p.m. to 2:30 p.m.; nothing found relative to a person being stopped. During this time period, there were calls relative to five possible felonies, including two hold-up alarms.
30. Checked the channel covering the Mattapan Square area from 12:30 p.m. to 1:30 p.m.; nothing found relative to individuals being stopped. During this time period there were calls relative to seven possible felonies. Also during this time period, descriptions involving two individuals were broadcast.
31. Need more specificity regarding date in order to identify tape to be searched and an approximate time.
32. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.
33. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.
34. The request states "December 1990". Even if we assume this should be "December 1989", need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.
35. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.

August 6, 1990

36. Tape no longer available. There is a private security firm, Straughter Security, which may serve the HUD properties in the general area. They would not be on the BPD police frequencies.
37. Tape no longer available.
38. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.
39. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.
40. A report relative to an incident on January 22, 1990 at 10:30 p.m., at Walnut Avenue and Westminster Street is attached, (40). A review of the tapes reveals a unit requesting an ambulance immediately for Washington and Westminster for a stabbing victim; multiple units reporting; description of suspect provided. Transmissions cease at 10:52 p.m.
41. Tape no longer available.
42. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.
43. A review of the tapes reveals a plainclothes unit off at Parker and Horadon on a surveillance at approximately 9:51 a.m. on Channel 3. At 10:42 a.m. this unit requests a unit to respond to Parker and Smith. Transmissions cease at approximately 11:09 a.m.
44. Checked the channel covering the area of Mattapan Station and Blue Hill Avenue between 10:00 a.m. and 11:00 a.m.; nothing found relative to individuals being stopped. The vehicle with license No. 7840 was assigned to B106. The B106 was dispatched at 10:29 a.m. to Evans and Morton Sts. for a man with a gun. The B106 arrived at 10:31 a.m. and cleared at 10:42 a.m. During this time period there were calls for an additional six possible felonies.
45. Tape no longer available.
46. No records relative to this incident; need an approximate time in order to fully research tapes.

Superintendent Paul F. Evans

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August 6, 1990

47. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.
48. Tape no longer available.
49. Need more specificity regarding date in order to identify tape to be searched and an approximate time.
50. Arrest of Terry Price documented on Incident Report No. 01183126 (attached, 50). A review of the tapes reveal a unit going off at 101 Dale Street for an investigation at 2:06 p.m.; unit calls off with arrest at 2:11 p.m.; no further transmissions.
51. Need an approximate time of occurrence.
52. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.
53. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.
54. Tape no longer available.
55. Need more specificity regarding date and approximate time; once received can check to see if tape for particular date has been held.
56. Tape no longer available.

Respectfully submitted,

Deputy Superintendent
Operations

Attachment

Date: January 8, 1991

Subject: Attorney General James M. Shannon's request for information regarding reported searches of citizens conducted by members of the Boston Police Department.

Requests numbered 1 through 10 in the Attorney General's listing of persons alleged to have been searched were the subject of a Civil court suit and as such, this information could not be provided at the time it was requested. This information will be provided in a separate report.

Please find listed below a reply to each of the remaining forty-six (46) reported search incidents which are numbered 11 through 56.

11. In early August 1989 two black males were stopped while driving a jeep down Normandy street in the vicinity of Intervale street. They were pulled over by a marked cruiser and searched. About three additional cruisers arrived. Apparently one of the individuals, John Rice, was arrested on an outstanding warrant.

Reply: There is no record of a John Rice being arrested in August of 1989. It is virtually impossible to conduct an investigation into this matter on the meager information which has been supplied by the Attorney General.

12. On or about March 2, 1990, at about 10-10:30 p.m., two young black men were searched by detectives identified as Flynn and McGill in the vicinity of Warren street in Roxbury. One, Theodore Young, was arrested and taken to the Area B police station.

Reply: Theodore Young arrested. A reply containing the requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.

13. On or about January 25, 1990, officers Flynn and McGill apparently stopped and searched Theodore Young in the vicinity of Intervale street and arrested him for the possession of cocaine.
- Reply: Theodore Young arrested. A reply containing the requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.
14. In July 1989, in the evening, a group of young black men were apparently searched in the vicinity of Norfolk street, Dorchester, by at least two officers. At least one of the young men, Jermaine Ellis, was arrested on a cocaine charge.
- Reply: No record of Jermaine Ellis being arrested during July, 1989. A reply containing the requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.
15. In December, 1989, at least three young black men were searched in the Brigham Circle area at about 9:00 a.m. At least three officers were evidently involved. We believe one of the youths, Damien Bowden, may have been arrested for drinking in public.
- Reply: No record of Damien Bowden being arrested during December, 1989. A reply containing the requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.
16. On or about January 17, 1989, Edwin Jacobs was stopped in the vicinity of Warren street, Roxbury, at about 12:00 a.m., by two detectives, one of whom, may have been named Deluca. We believe Jacobs was arrested for disorderly conduct.
- Reply: Requested information was forwarded to the Attorney General in a report dated August 6, 1990, submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.

17. In March, 1990, one Reggie Colon was stopped, searched and arrested, we believe for larceny of a motor vehicle, by an undetermined number of officers.

Reply: Due to the lack of specific information we can find no record of the above incident.

18. On or about July 13, 1989, Terrence Williams was searched and arrested in the vicinity of Parker street or Prentis street, at about 8-9:00 p.m., by detectives who may be named Pishkin and Doucett. We believe he was charged with being a Disorderly Person.

Reply: Attached, copy of 1.1 Incident report which indicates Terrence Williams arrested as Disorderly Person, and outstanding arrest warrant. Search proper following arrest. (CC#91-632-596)

19. On or about October 5, 1989, a young black man was stopped and searched by detective Flynn and at least one other officer in the vicinity of Blue Hill Avenue.

Reply: Tape no longer available. It is virtually impossible to conduct an investigation into this matter on the meager information which has been provided by the Attorney General.

20. On or about December 7, 1989, at about 7:00 p.m., officer Bobby Mercer stopped and searched a black youth in the area of Intervale street.

Reply: Tape no longer available. It is virtually impossible to conduct an investigation into this matter with the meager information which has been provided by the Attorney General.

21. On or about February 9, 1990, at about 1:30 p.m., two black males were stopped and searched while sitting in a vehicle outside Jamaica Plain High School. At least two officers were involved, one of whom may have been with the Municipal Building Police or the Boston School Police.

Reply: Requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division. Information provided by the Attorney General in this matter is extremely vague.

22. In late October, 1989, a number of black youths were stopped and searched in the Huntington Avenue area near Mission Hill, at about 9-9:30 p.m., by at least two officers in a marked cruiser.

Reply: Requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division. Information provided by the Attorney General in this matter is extremely vague.

23. On or about January 24, 1990, at least two young black males in an automobile were searched in the area of Dudley and Warren streets, at about 2:30 p.m., by approximately four officers.

Reply: Requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.

24. In March, 1990, about five black youths were stopped and searched by detectives identified as Colon and O'Connor, at #93 Waldeck street, Dorchester, at about 4:30 p.m.

Reply: Requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.

25. On an afternoon in August, 1989, at about 5-6:00 p.m., a number of black youths, driving in two jeeps down Blue Hill Avenue, were stopped by approximately four cruisers and searched.

Reply: It is virtually impossible to conduct an investigation into this matter on the meager information which has been provided by the Attorney General.

26. On or about March 16, 1990, at about 7:30 p.m., approximately three black youths were stopped and searched by about four detectives who emerged from a white Crown Victoria LTD, in the vicinity of Blue Hill Avenue and Woolson streets.
- Reply: Requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.
27. In February, 1990, approximately two black youths were stopped by two officers in a marked cruiser in the Woodbole Avenue area of Mattapan. One of the youths was placed in a vehicle, driven around and dropped off at another location.
- Reply: It is virtually impossible to conduct an investigation into this matter on the meager information which has been provided by the Attorney General.
28. In December, 1989, at least two black youths were stopped and searched by detective Bobby Flynn, in the vicinity of Intervale and Normandy streets in Roxbury.
- Reply: It is virtually impossible to conduct an investigation into this matter on the meager information which has been provided by the Attorney General.
29. On or about March 9, 1990, at about 2:00 p.m., a black youth was stopped by a uniformed officers and searched in the Mattapan Square area.
- Reply: It is virtually impossible to conduct an investigation into this matter on the meager information which has been provided by the Attorney General.
30. On or about March 10, 1990, at about 1:00 p.m., a black youth was stopped and searched by two uniformed officers in the Mattapan Square area and told not to be seen in the square again.
- Reply: Requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.

31. On an evening in April, 1990, at about 8:45 p.m., at least one black youth was stopped and searched in the area of Crawford and Warren streets, by at least three detectives who emerged from an unmarked cruiser.
- Reply: It is virtually impossible to conduct an investigation into this matter, given the meager information provided by the Attorney General.
32. On an evening in August, 1989, Gerard Winn and at least two other youths were stopped and searched by at least two officers, then taken for a ride while one of the officers communicated some information to the radio dispatcher.
- Reply: Need more specificity regarding date and approximate time; once that is received a check can be made to ascertain if the tape for that particular date has been held. This information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.
33. In September, 1989, Gerard Winn and at least one other youth were detained and searched in the Wellington Hill footpath area of Mattapan. Again, the officer communicated some information by radio.
- Reply: Requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.
34. In early December, 1990, at about 10:00 p.m., Gerard Winn and at least one other youth were searched in the vicinity of Blue Hill Avenue and Almont street, by at least two officers, one of whom was possibly Officer Feeney.
- Reply: Requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.

35. At about 4:30-5:00 a.m., one morning in December, 1989, two police officers stopped a black man in the Jackson Square area and searched his bag.
- Reply: It is virtually impossible to conduct a proper investigation into this matter, given the extremely meager information which has been provided by the Attorney General.
36. On or about March 5, 1989, in the evening, a group of approximately four black youths were stopped, thrown to the ground, and searched in the vicinity of Magnolia and Woodledge streets, Dorchester, by at least four officers who emerged from a vehicle labeled "Straughterhouse Associates" or something similar. About an hour later the car returned and the youths were searched again. It is not clear if any of these officers were Boston Police; however, you may have a radio dispatch or some other documentation.
- Reply: There is a private security firm, Straughter Security, which may serve the HUD properties in the general area. They would not be on the Boston Police Department radio frequencies. This information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.
37. On or about October 24, 1989, in the afternoon, about five black youths were stopped in the Washington street area in Dorchester, by two uniformed officers in a marked cruiser.
- Reply: Tape no longer available. It is virtually impossible to conduct an investigation into this matter with the meager information which has been provided by the Attorney General.
38. At about 3:00 p.m., on a date in early July, 1989, a group of black youths were stopped and searched in the area of Martin Luther King Boulevard and Walnut Avenue, by officers in at least three cruisers. Shots had evidently been fired in the area.
- Reply: Requested information forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.

39. At approximately 9:30-10:00 p.m., on an evening in early November, 1989, about three black youths were stopped and searched in the area of Warren and Copeland streets, by at least two officers. Evidently a small knife was found.
- Reply: It is virtually impossible to conduct an investigation into this matter on the meager information the Attorney General has provided.
40. On or about January 22, 1990, at about 10:30 p.m., a black youth was stopped and searched in the area of Warren and Melrose streets by two plainclothes officers in an unmarked blue LTD.
- Reply: The requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.
41. On or about October 26, 1989, at about 7:00 p.m., at least two black youths were stopped and searched by about three detectives in an unmarked blue vehicle in the area of Washington street, Roxbury.
- Reply: Tape no longer available. It is virtually impossible to conduct an investigation into this matter, given the meager information which has been supplied by the Attorney General.
42. At about 10:30 p.m., on an evening in May, 1989, a young black woman was stopped while waiting for a bus on Blue Hill Avenue, by two officers in a marked cruiser, one of them female. Before the officers were able to search the young woman, she got on a bus that had arrived. The officers then evidently followed the bus and stopped and searched the young woman when she alighted in the area of Castlegate street.
- Reply: Requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division. Information extremely vague..

43. On March 8, 1990, at about 11:15 a.m., a white male was searched on Parker street in the Mission Hill area by two officers who emerged from an unmarked blue Chevrolet Caprice, License #690BRE.

Reply: The requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.

44. On May 4, 1990, at approximately 10:30 a.m., three black males were stopped at the corner of Mattapan street and Blue Hill Avenue and questioned by officers driving a marked cruiser, License #7840. At least one of the men was searched.

Reply: The requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.

45. On or about September 4, 1989, at about 8:00 p.m., a black youth was stopped by an officer in a marked cruiser while driving his Pontiac automobile on Norfolk street in Dorchester. At least one officer was involved. After a license and registration check was completed, the youth was forced to exit his vehicle and was searched; the vehicle was also searched.

Reply: Tape no longer available. It is virtually impossible to conduct an investigation into this matter with the meager information which has been provided by the Attorney General.

46. On or about April 6, 1990, a group of black youths were driving in a jeep down Blue Hill Avenue and were stopped near Talbot Avenue in Dorchester. Three police officers emerged from a cruiser and demanded license and registration. Additional officers (plainclothes) arrived in a white LTD Crown Victoria and searched the youths. Other officers searched the car.

Reply: The requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division. Once again, the information provided is extremely vague...

17. On an evening in April 1989, two officers conducted a strip search of about 15 black youths on Dudley street near the corner of Howard Avenue.
- Reply: It is virtually impossible to conduct an investigation into this matter with the vague information provided by the Attorney General.
48. On or about June 7, 1989, at approximately 8:00 p.m., a middle-aged black man was stopped in the area of Humboldt and Townsend streets by two officers in an unmarked blue vehicle. His bag and pockets were searched but he refused to submit to a strip search and the officers left.
- Reply: Tape no longer available. It is virtually impossible to conduct an investigation into this matter given the meager information which has been provided by the Attorney General.
49. At about 4:30-5:00 p.m., on an afternoon in early January, 1990, a young Hispanic male was stopped and searched on or near Horadan Way in the Mission Hill Development by two officers in uniform. The young man had just returned from work and his car may also have been searched.
- Reply: It is virtually impossible to conduct an investigation into this matter given the vagueness of the information which has been provided by the Attorney General.
50. On February 28, or March 1, 1990, Terry Price was stopped, searched and apparently arrested by a number of officers, including apparently Trent Holland and Robin Demarco, in the vicinity of Washington and Dale streets.
- Reply: Arrest of Terry Price documented. The requested information was forwarded to the Attorney General in a report dated August 6, 1990, which was submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations Division.

51. On or about January 19, 1990, about four black youths were stopped and searched in front of or near the Roxbury Boys and Girls Club by at least two officers.
- Reply: It is virtually impossible to conduct an investigation into this matter with the meager information which has been provided by the Attorney General.
52. At about 7:30 p.m., on an evening in early September, 1989, a number of youths were stopped and searched by detective Colon and two other officers on Geneva Avenue, then warned to get out of the area.
- Reply: In a report to the Attorney General, dated August 6, 1990, Deputy Superintendent Ann Marie Doherty indicated that additional information was necessary. The Attorney General has not further clarified this request.
53. On an evening in September 1989, about twelve black youths were stopped and searched outside a Chinese Restaurant in the vicinity of Morton street, Mattapan, by officers who arrived in at least two cruisers.
- Reply: It is virtually impossible to conduct an investigation into this matter with the meager information which has been provided by the Attorney General.
54. On or about September 5, 1989, at approximately 4:00 p.m., two black youths were stopped and searched in the area of Copeland and Warren streets in Roxbury by at least two officers who were driving a white Crown Victoria LTD.
- Reply: Tape no longer available. It is virtually impossible to conduct an investigation into this matter with the meager information which has been supplied by the Attorney General.
55. In early November, 1989, two young black men were stopped and searched while walking on Wildwood street in Dorchester. We believe the officers involved were with the MDC, but the Boston Police Department may have a Turret tape or other documentation regarding this incident.
- Reply: The requested information has been forwarded to the Attorney General in a report dated August 6, 1990, submitted by Deputy Superintendent Ann Marie Doherty, Commander, Operations
information supplied by the Attorney

56. On or about September 9, 1989, in the early afternoon, two black youths and their automobile were stopped and searched in the area of Blue Hill Avenue and Harvard street by officers in as many as four cruisers. We believe they may have been Registry Police, but again, your Department may have Turret tapes or other documentation.

Reply: Tape no longer available. It is virtually impossible, given the above meager information, to conduct an investigation into this matter.

Boston Police

EXHIBIT TWO

COMMISSIONER'S MEMORANDUM
NUMBER 89-35

TO: ALL BUREAUS, DISTRICTS,
AREAS, DIVISIONS, OFFICES,
SECTIONS, AND UNITS

May 23, 1989

COPIES TO: ALL SUPERINTENDENTS,
DEPUTY SUPERINTENDENTS,
AND DIRECTORS

SUBJECT: DEPARTMENT'S ROLE AS GUARDIAN OF CIVIL RIGHTS

I believe it is timely and appropriate to reiterate the Boston Police Department's long standing policy of protecting the civil rights of all citizens and enhancing our working relationship with the general public.

The police department has a profound responsibility to ensure that every citizen is guaranteed the exercise or enjoyment of rights secured by the Constitution and Laws of the United States, and secured by the Constitution and Laws of the Commonwealth. The inherent rights of every citizen regardless of race, color, religion or national origin to live, work, and travel in the City of Boston are fundamental rights guaranteed by the Constitution. The department will have the greatest respect for these rights, but, more importantly, will utilize any and all of its resources to protect citizens from those persons who would, by force or threat of force, willfully injure, intimidate, interfere with, oppress or threaten any other person in the free exercise or enjoyment of constitutionally protected rights. The very essence of our democratic values depends on the department's ability, will and resolve to protect the civil rights of citizens, thereby preserving and advancing the principles of democracy.

Additionally, the department recognizes that its success in achieving goals and objectives depends upon the cooperation it receives from the community. A spirit of cooperation is essential in order to address the crime and disorder problems within the neighborhoods. The department will receive the necessary support and cooperation if it is committed to treating every citizen with dignity and respect. The department will seek assistance from the community, for it realizes that policing is a complex and demanding profession which requires a relationship based upon a common purpose and mutual respect.

Our recent experience with drug, gang and firearm violence clearly illustrates the need for police officers to affirmatively act on reasonable suspicion and within the parameters of the Constitution to protect themselves and in the interest of public safety.

Therefore, in our commitment to the welfare and safety of the public, I reiterate that each officer must remain cognizant of the department's basic values and the vital importance of the Constitution, particularly in terms of the First, Fourth, Sixth and Fourteenth amendments, in guiding their judgments and actions.

Francis M. Roache

FRANCIS M. ROACHE
POLICE COMMISSIONER

Boston Police

Page 1 of 1

Date 08/31/89

DISTRICT/UNIT Area "B"

CC# N/A

To: All Area "B" Personnel

From: Deputy Superintendent William R. Celester,
Commanding, Area "B"

Subject: Threshold Inquiry, "Stop and Frisk"

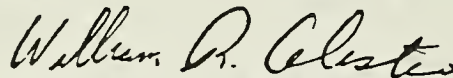
Ladies &
Gentlemen:

As Commanding Officer of Area "B", I am intensely concerned with the delicate balance between the civil rights of citizens on one hand and lawful, aggressive street patrol on the other.

I am aware that each and every one of you were well trained at the Boston Police Academy. I am having one of the Academy Training Bulletins and Commissioner's Memorandum #89-35 re-issued to each one of you to reinforce that training.

As you well know the citizens of this community need your continued diligence on patrol. I am proud of the outstanding manner in which you have served this community and look forward to your continuing in your duties in that same manner, being mindful of everyone's civil rights.

Respectfully Submitted,



William R. Celester
Deputy Superintendent, Commanding Area "B"

Boston Police

Page ____ of ____

Date 9/7/89

CC# _____

DISTRICT/UNIT BRAVO

To: Deputy Superintendent William Celester

From: Captain Paul Farrahar

Subject: Civil Rights, Threshold Inquiry

Sir:

In reference to your letter dated August 31, 1989, the subject being Threshold Inquiry, "Stop and Frisk", I have addressed the officers of Area B at various Roll Calls on, September 1, 1989, September 2, 1989 and September 6, 1989. Officers were reminded that they should constantly be cognizant of all citizens civil rights and adhere to the guidelines set forth regarding Threshold Inquiry and "Stop and Frisk" of persons and vehicles.

Officers were advised that police have the right to stop and make inquiries of a person if they have articulable suspicion that such person has committed, is committing, or is about to commit a crime. Officers were further advised that a stop alone does not justify a frisk. Officers were told that they must have a reasonable belief based specific and articulable facts which leads him to believe that a person is armed and may present a danger to the officer or others before he is justified in conducting a frisk of a person or the area under his immediate control.

In conjunction with the officers being addressed at Roll Calls each officer was issued a copy of your letter dated August 31, 1989 concerning civil rights, a Training Bulletin from the Boston Police Academy on Threshold Inquiry and Commissioner's Memorandum# 89-35, dated May 23, 1989, referring to the "Department's Role as Guarding of Civil Rights". Officers were instructed, should they have any questions regarding Threshold Inquiry, "Stop and Frisk" that they should contact their immediate supervisor.

Respectfully Submitted,

Paul Farrahar, Captain Area B

Boston

January 16, 1990

TO: Deputy Superintendent William R. Celester
Commanding, Area B


FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services

SUBJECT: Department Policy regarding the Fourth Amendment

You are hereby ordered to have all superior officers under your command submit written reports no later than January 25, 1990 as to their knowledge of the following:

- 1) Searches being conducted in violation of the Fourth Amendment.
- 2) Orders from any high ranking superior officers encouraging superior officers or police officers to conduct search practices in violation of the Fourth Amendment.

All reports will be forwarded to my office again, no later than January 25, 1990.


PAUL F. EVANS
Superintendent, Chief
Bureau of Field Services

PFE/emd
1297/47



Boston

January 17, 1990

TO: Deputy Superintendent Robert Hayden
Commanding, City Wide Anti-Crime Unit

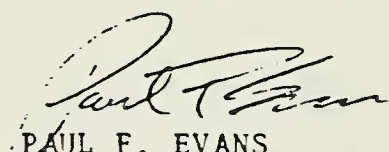
FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services

SUBJECT: Department Policy regarding the Fourth Amendment

You are hereby ordered to have all superior officers under your command submit written reports no later than January 25, 1990 as to their knowledge of the following:

- 1) Searches being conducted in violation of the Fourth Amendment.
- 2) Orders from any high ranking superior officers encouraging superior officers or police officers to conduct search practices in violation of the Fourth Amendment.

All reports will be forwarded to my office again, no later than January 25, 1990.


PAUL F. EVANS
Superintendent, Chief
Bureau of Field Services

PFE/emd
1297/50



Raymond L. Flynn, Mayor/POLICE DEPARTMENT/154 Berkeley Street 02116

Boston

January 16, 1990

TO: Deputy Superintendent Gerard McHale
Commanding, Area E


FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services

SUBJECT: Department Policy regarding the Fourth Amendment

You are hereby ordered to have all superior officers under your command submit written reports no later than January 25, 1990 as to their knowledge of the following:

- 1) Searches being conducted in violation of the Fourth Amendment.
- 2) Orders from any high ranking superior officers encouraging superior officers or police officers to conduct search practices in violation of the Fourth Amendment.

All reports will be forwarded to my office again, no later than January 25, 1990.


PAUL F. EVANS
Superintendent, Chief
Bureau of Field Services

PFE/emd
1297/48



Raymond L. Flynn, Mayor/POLICE DEPARTMENT/154 Berkeley Street 02116

Boston Police

RULES AND REGULATIONS

RULE NO. 104
Sections 1-3
SERGEANTS
AMENDED

November 5, 1982

This rule is issued to establish the responsibilities and duties of the rank of Police Sergeant. It is effective immediately, superseding all previously issued rules, orders and other directives and replacing rule #23 of the 1950 Manual.

c. 1

GENERAL CONSIDERATIONS: The delivery of police services to the community is uniquely difficult to direct. Despite the fact that efforts to control police behavior have been many and diverse, no truly effective method has emerged. Rules, regulations and orders can provide policies and procedures to follow; training can equip the officer with the understanding and skills necessary to perform effectively; and supervision can give guidance and support.

The police sergeant, as the first line supervisor, is in a better position than any other superior officer to provide this guidance and support.

Every sergeant is expected to be aware of the duties and responsibilities of a Patrol Supervisor, Rule NO. 104-A, and of a Duty Supervisor, Rule NO. 106.

c. 2

PRIMARY RESPONSIBILITIES: The police sergeant provides immediate supervision over his subordinates, coordinates their activities, and assumes responsibility for their actions and performance. He performs activities in the areas of administration, supervision of criminal investigations, crime prevention, personnel management, conflict intervention, public service and training.

c. 3

EXAMPLES OF DUTIES: The duties of a police sergeant include the following activities:

Interprets and explains law and administrative orders to subordinates and ensures their compliance. Keeps subordinates updated on changes in the law. Ensures that subordinates operate within the law, by requiring that they protect the rights of complainants, arrested persons and criminal suspects.

Maintains standards of performance of subordinates by periodic evaluation and on-site performance review. Assesses personnel performance and counsels subordinates on personal and work-related problems.

Assumes command of a Division or Unit in the absence of an officer of higher rank.

Reviews reports submitted by subordinates. Approves, concurs, or disapproves reports. Assures that all reports submitted are complete and accurate.

Boston Police

RULES AND REGULATIONS

RULE NO. 105
LIEUTENANTS

June 4, 1979

This rule is issued to establish the responsibilities and duties of the rank of Police Lieutenant. It is effective immediately, superseding all previously issued rules, orders, and other directives, pertaining to that rank and replaces Rule #22 of the 1950 Manual, LIEUTENANTS, and Special Order No. 74-99.

1 GENERAL CONSIDERATIONS: Under general direction, a Lieutenant will supervise subordinates in the performance of their duties and insure their compliance with law, department policy, procedures, rules and regulations and accepted police practices, to assume command of a Police District or Unit of similar responsibility in the absence of an officer of higher rank; to assist the commanding officer in establishing goals and priorities for dealing with problems in the districts; to assist in planning and implementing appropriate strategies for meeting these goals, including the management and allocation of resources in the most effective and efficient manner; to evaluate the success of units and subordinates in implementing these strategies in accomplishing goals; to insure that personnel assigned to his command are well trained and knowledgeable of accepted police practices, law and departmental policies, procedures, rules and regulations, and to advise them of interpretations of same; to represent the department and the district to the community and to advise the commanding officer and the department of the problems and concerns, criminal and otherwise, of the community; to advise the commanding officer and the department regarding needed changes in policies, procedures, rules and regulations; to advise the commanding officer and the department of the concerns of personnel under his command; to insure all reports prepared by personnel under his command are accurate and complete; to assist the commanding officer in supervising major internal investigations in the district and make appropriate recommendations concerning their resolution; to watch for indications of corruption and misconduct among subordinates and to take appropriate corrective action; and to perform related work as required.

2 A Lieutenant assigned to a district will assist the District Commander, or the Deputy Superintendent in charge of the area, and will act in accordance with Department Rules and Regulations. Any additional duties will be defined by the District Commander, and will include field inspections of the subordinates under his command.

3 When a Lieutenant is in command of a District, he will be held fully accountable for the conduct of affairs within the District. He will also be responsible for the guidance and supervision of Sergeants and Patrol Officers under his command and will exercise this responsibility throughout his District.

Joseph M. Jordan
Joseph M. Jordan
Police Commissioner

Boston Police

RECEIVED-BFS

Page ____ of ____

Date ____

CC# ____

DISTRICT/UNIT _____

1972 JUN 26 PM 1:52

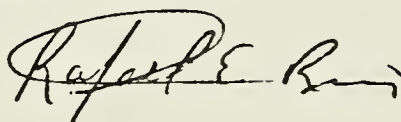
TO: DEF. SUPER. WILLIAM R. CELESTER, COMMANDER AREA B
FROM: SERGEANT RAFAEL E. RUIZ, ID 8024
SUBJECT: DEPARTMENTAL POLICY REGARDING THE FOURTH AMENDMENT

IN RELATION TO THE ABOVE MATTER, I RESPECTFULLY REPORT THE
FOLLOWING:

I HAVE NO KNOWLEDGE OF ANY ORDER FROM ANY SUPERIOR OFFICER TO
SEARCH INDIVIDUALS IN VIOLATION OF THE UNITED STATES FOURTH
AMENDMENT.

FURTHER, I HAVE NO KNOWLEDGE OF ANY POLICE OFFICER CONDUCTING SUCH
SEARCH IN VIOLATION OF THE FOURTH AMENDMENT.

RESPECTFULLY SUBMITTED.



RAFAEL E. RUIZ, SERGEANT- AREA B-2

Boston Police

Page 1 of 1

Date 01/24/90

DISTRICT/UNIT Area "B"

CC# N/A

To: Deputy Superintendent William R. Celester
Commanding, Area "B"

From: Sergeant Cecil C. Cox, I.D.#5934, Area "B"

Subject: Departmental Policy Regarding the Fourth Amendment

Sir:

In reference to the above mentioned subject matter,
I respectfully report.

I have no knowledge of orders from any superior officer(s)
encouraging police officers or superior officers to conduct search
practices in violation of the Fourth Amendment.

I have no knowledge of any searches being conducted
by police officers in violation of the Fourth Amendment.

Respectfully submitted,



Sergeant Cecil C. Cox, Area "B"

Boston Police

Page 1 of 1

Date 01/24/90

DISTRICT/UNIT Area "B"

CC# N/A

To: Superintendent Paul F. Evans
Chief, Bureau of Field Services

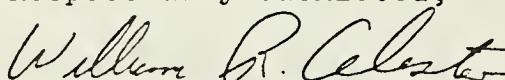
From: Deputy Superintendent William R. Celester
Commanding Area "B"

Subject: Departmental Policy Regarding The Fourth Amendment

Sir:

In reference to the above mentioned subject matter, I respectfully submit the attached reports from all Area "B" Supervisory Personnel concerning their knowledge of Department Policy regarding any violations of the Fourth Amendment and/or any search practices that were conducted in violation of said amendment.

Respectfully Submitted,



William R. Celester
Deputy Superintendent, Commanding Area "B"

Boston Police

Page 1 of 1

Date 01/23/90

DISTRICT/UNIT Area "B"

CC# N/A

To: Superintendent Paul F. Evans
Chief, Bureau of Field Services

From: Deputy Superintendent William R. Celester
Commanding, Area "B"

Subject: Departmental Policy Regarding The Fourth Amendment

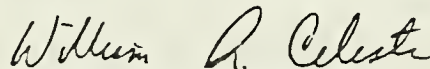
Sir:

In reference to the above mentioned subject matter, concerning Departmental Policy regarding the Fourth Amendment, I respectfully report.

I have no knowledge of orders from any high ranking superior officer/s encouraging superior officers or police officers to conduct search practices in violation of the Fourth Amendment.

I have no knowledge of any searches being conducted in violation of the Fourth Amendment.

Respectfully submitted,



William R. Celester
Deputy Superintendent, Commanding Area "B"

Boston Police

Page 1 of 1

Date 01/23/90

DISTRICT/UNIT Area "B"

CC# N/A

To: Deputy Superintendent William R. Celester
Commanding, Area "B"

From: Captain David I. Walsh, District Commander, Area B-2

Subject: Departmental Policy Regarding The Fourth Amendment

Sir:

In reference to the above mentioned subject matter and pursuant to your attached memo, dated January 17, 1990, concerning Departmental Policy regarding the Fourth Amendment, I respectfully report.

I have no knowledge of orders from any high ranking superior officer/s encouraging superior officers or police officers to conduct search practices in violation of the Fourth Amendment.

I have no knowledge of any searches being conducted in violation of the Fourth Amendment.

Respectfully submitted,



David I. Walsh
Captain, District B-2

Boston Police

Page _____ of _____

Date 1/24/90

DISTRICT/UNIT Bravo

CC# _____

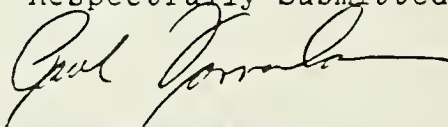
To: Deputy Superintendent William Celester
From: Captain Paul Farrahar
Subject: Department Policy Concerning the Fourth Amendment

Sir:

I have never received orders from higher ranking officers with regards to violating the Fourth Amendment nor have I encouraged Superior Officers or Police Officers to violate the Fourth Amendment.

I have no knowledge of searches being conducted in violation of the Fourth Amendment.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Paul Farrahar", written in dark ink.

Paul Farrahar
Captain, Area B

Boston Police

Page 1 of 1

Date 1/23/90

DISTRICT/UNIT Bravo

CC# N/A

To: Deputy Superintendent William R. Celester
commander Area B

From: Lieutenant Detective Melbert J. Ahearn ID#6564
Commander Detectives, Area B

Subject: Departmental policy Regarding Fourth Amendment

Sir;

I respectfully report that I have no knowledge of any high ranking superior officer(s) encouraging any superior officer(s) of the Boston Police Department nor have I encouraged any superior or any other officer of the Boston Police Department to conduct searches in violation of the Fourth Amendment.

I do not have any knowledge of any search conducted by any member of the Boston Police Department in violation of the fourth amendment.

Respectfully submitted

Melbert J. Ahearn
Lieutenant Detective, Area B

Boston Police

Page 1 of 1

Date 1-19-90

DISTRICT/UNIT B-2

CC#

TO: Deputy Superintendent William R. Celester

FROM: Lieutenant William F. Keleher

SUBJECT: Response to 1-17-90 Memmo on Fourth Amendment

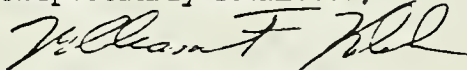
SIR:

I respectfully submit this report in response to your 1-17-90 Memmo on the Fourth Amendment.

I have no personal knowledge concerning the following:

1. Orders from any high ranking superior officer(s) encouraging superior officers or police officers to conduct search practices in violation of the Fourth Amendment.
2. Any knowledge of any searches being conducted in violation of the Fourth Amendment.

Respectfully submitted,



Lt. William F. Keleher

Boston Police

Page ____ of ____

Date 01-18-90

CC# _____

DISTRICT/UNIT Bravo- 2

To: Deputy Superintendent William R. Celester

From: Sergeant David R. Aldrich ID#6733

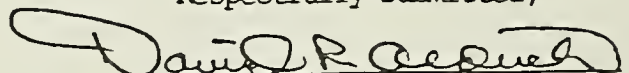
Subject: Departmental Policy Regarding The Fourth Amendment

Sir,

I respectfully report that I have never received any orders from high ranking superior officers to conduct search practices in violation of the Fourth Amendment. Nor do I have any knowledge of any police officers receiving any such orders.

To my knowledge there are no searches on Area B-2 being conducted in violation of the Fourth Amendment.

Respectfully Submitted,



Sergeant David R. Aldrich ID#6733

Boston

RECEIVED-DFS
JUN 19 PM 2:59

January 17, 1990

To: Superintendent Paul Evans, Bureau Of Field Services

From: Deputy Superintendent Robert Hayden, CWACU

Subject: Department Policy Concerning The Fourth Amendment

Sir:

I have no knowledge of any searches being conducted by members of this Department that in any way violate the fourth amendment.

I am unaware of any high ranking Superior Officers encouraging Superior Officers or Police Officers to violate the search restrictions mandated by the fourth amendment.

Respectfully Submitted,

Robert E. Hayden

Deputy Superintendent
Robert E. Hayden
Commanding, CWACU



Boston

January 17, 1990

To: Deputy Superintendent Robert E. Hayden

From: Sergeant James Hussey

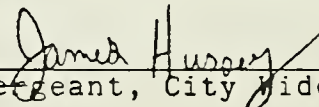
Subject: Fourth Amendment

Sir:

I do not have any knowledge of any searches being conducted by Police Officers in violation of the fourth amendment .

I have no knowledge of any orders being given by higher ranking Superior Officers encouraging Superior Officers or Police Officers to conduct searches in violation of the fourth amendment .

Respectfully Submitted


Sergeant, City Wide Anti Crime Unit

Boston

January 17, 1990

To: Deputy Superintendent Robert Hayden

From: Sergeant Frederick Howe

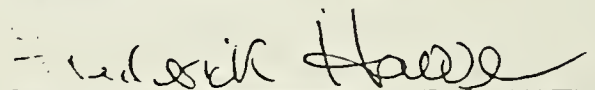
Subject: Fourth Amendment

Sir:

I have no knowledge of any searches being conducted by police officers in violation of the 4th amendment .

I have no knowledge of any orders from high ranking Superior Officers encouraging Superior Officers or Police Officers to conduct searches in violation of the 4th amendment .

Respectfully Submitted



Sergeant, City Wide Anti Crime Uni-



Boston Police

Page 1 of 1

Date 01-23-89

DISTRICT/UNIT DISTRICT TWO

CC#

TO: Deputy Superintendant William R. Celester, CO, Area B

FROM: Sergeant Detective Paul J. Crossen, Supervisor, District 2 Detectives

SUBJECT: Fourth Amendment Violations.

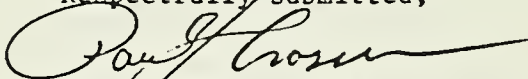
Sir;

In response to your January 17, 1990 memo, subject: "Departmental Policy Regarding the Fourth Amendment."

I have never received any personal orders from any ranking officer encouraging me or any officer to conduct searches in violation of the Fourth Amendment.

I have no personal knowledge of any searches being conducted in violation of the Fourth Amendment.

Respectfully submitted,



Paul J. Crossen, SgtDet
District 2 Detective Supervisor

Attachment: 011790 Momo (4th Amend)

Boston Police

Page ____ of ____

Date _____

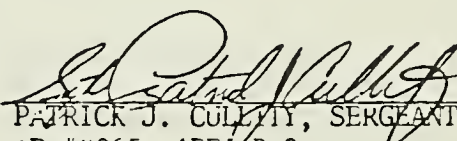
CC# _____

DISTRICT/UNIT B-2

TO: DEPUTY SUPERINTENDANT WILLIAM R. CELESTER
FROM: PATRICK J. CULLITY, SERGEANT, ID. #8835
SUBJ: DEPARTMENT POLICY REGARDING THE FOURTH AMENDMENT
SIR:

I RESPECTFULLY REPORT THAT I HAVE NEVER RECEIVED ANY ORDERS FROM MY SUPERIOR(S) OR ANY HIGH RANKING SUPERIOR OFFICER IN THE BOSTON POLICE DEPARTMENT TO CONDUCT SEARCH PRACTICES IN VIOLATION OF THE FOURTH AMENDMENT. FURTHERMORE I HAVE NO KNOWLEDGE OF ANY POLICE OFFICER RECEIVING ANY SUCH ORDERS.

RESPECTFULLY SUBMITTED,


PATRICK J. CULLITY, SERGEANT
ID #8865, AREA B-2

Boston Police

Page 1 of 1

Date 1-18-90

DISTRICT/UNIT Area B-2

CC#

To: Deputy Superintendent William R. Celester
From: Sergeant Marie L. Donahue
Subject: Departmental Policy Regarding the Fourth Amendment

Sir:

With regard to the above mentioned matter, I respectfully submit the following:

1. I have no knowledge of any orders from any high ranking superior officer(s), nor have I received any orders from any high ranking superior officer(s) encouraging superior officers or police officers to conduct search practices in violation of the Fourth Amendment.
2. I have no direct knowledge of any searches being conducted in violation of the Fourth Amendment.

Respectfully submitted,

Sgt. Marie L. Donahue
ID #6817

Boston Police

Page 1 of 1

Date 1/17/90

CC# _____

DISTRICT/UNIT Area B

To: William Celester

Seputy

Area B

From: Michael L. Galvin

Sergeant

Area B

Subject: Department Policy Regarding the Fourth Amendment

Sir

I respectfully report the following to the above subject.

I have no knowledge what so ever in regards to the below..

1. orders from any high ranking superior officer(s) encouraging Superior officers or police officers to conduct search practices in violation of fourth Amendment
2. Any knowledge of any searches being conducted in violation of the Fourth Amendment..

Respectfully Submitted

Sgt Michael L. Galvin

Sgt Michael L. Galvin

I.D. 6828

Boston Police

Page 1 of 1

Date 1/22/90

DISTRICT/UNIT Area B-2

CC#

To: William R. Celester, Commander, Area B

From: Jose A. Garcia, Sergeant Detective, Area B-2, Detective Unit

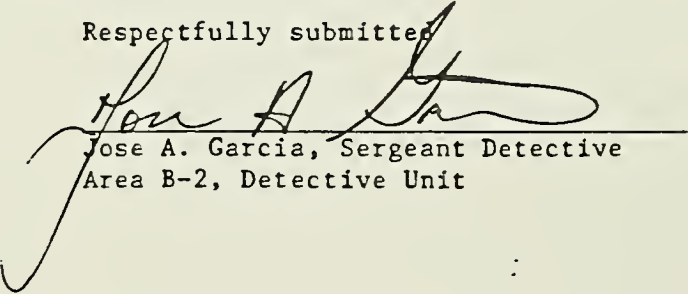
Subject: Department Policy Concerning The Fouth Amendment

Sir:

Relative to your Memorandum dated January 17, 1990 as it relates to the Fourth Amendmant I respectfully report that as to section (1) I have no knowledge of any superior officer or police officer being encouraged to conduct search practices in violation of said amendment.

Concerning section (2) I have no knowledge of any searches being conducted in violation of the Fourth Amendment, nor will I permit any violation of any right guaranteed under the Constitution of the Commonwealth or The United States.

Respectfully submitted


Jose A. Garcia, Sergeant Detective
Area B-2, Detective Unit

Boston Police

Page 1 of 1

Date 01-21-90

DISTRICT/UNIT _____

CC# _____

To William Celester Deputy Superintendent
From Albert E. Goslin Sergeant
Subject: Department Policy Regarding The Fourth Amendment

Area B -

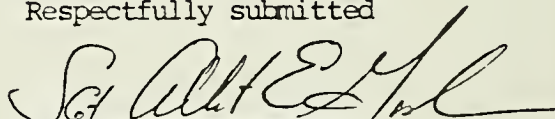
Area B

Sir:

With regards to the above captioned subject matter, I respectfully report that at no time have I been instructed, directed or encouraged to conduct any activity that would violate the fourth amendment rights of our citizens.

In addition, I am not aware of any searches being conducted in violation of the fourth amendment.

Respectfully submitted


Sgt. Albert E. Goslin

Boston Police

Page 1 of 1

Date 1/19/90

DISTRICT/UNIT Area B

CC#

To: Deputy Supt. William Celester

From: Sgt. Fredrick Gottwald

Subj: Department Policy Regarding the Fourth Amendment

Sir; I respectfully report the following to the above subject.

I have no knowledge what so ever in regards to the below.

1. orders from any high ranking superior officer(s) encouraging superior officers or police officers to conduct search practices in violation of the Fourth Amendment.

2. Any knowledge of any searches being conducted in violation of the Fourth Amendment.

Respectfully submitted by

Fredrick E. Gottwald

Sgt. Fredrick Gottwald, Area B

Boston Police

Page 1 of 1

Date 1/19/90

DISTRICT/UNIT Area B

CC#

To: Deputy Supt. William Celester

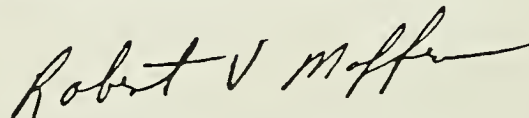
From: Sgt. Robert Maffeo

Subj: Departmental Policy Regarding The Fourth Amendment

Sir; I respectfully submit that from March 1971 to November 1985 I was assigned as a Police Officer at Area B and from June 1987 to present day I've been assigned as a Sergeant at Area B and at no time did I hear or receive orders from any high ranking superior officer(s) encouraging superior officers or police officers to conduct search practices in violation of the Fourth Amendment.

I also have no knowledge of any searches being conducted in violation of the Fourth Amendment.

Respectfully submitted by



Sgt. Robert Maffeo, Area B

Boston Police

Page 01 of 01

Date 01/21/90

DISTRICT/UNIT Area B

CC#

To: Deputy Superintendent William R. Celester, Area B

From: Sergeant John M. McLean, Area B

Subject: Department Policy Regarding the Fourth Amendment

Sir:

Concerning the above subject matter I respectfully report that I personally have neither heard, issued or received any commands in violation of the fourth amendment. I further state that I have neither participated or observed any searches in violation of the fourth amendment.

Respectfully submitted,
John M. McLean
Sergeant, Area B

Boston Police

Page 1 of 1

Date 01-20-90

CC# N/A

DISTRICT/UNIT AREA-B-2

TO: William R. Celester, Deputy Superintendent,
Commanding AREA-B

FROM: Kenneth, E.M. Taylor, Night Sergeant, Assigned to
AREA-B , I.D.#6721

SUBJECT: Department Policy Regarding The Fourth Admendment

Sir,

I respectfully report that I have no knowledge of any orders, written or verbal encouraging, Police Officers of this District to violate the Fourth Admendment. I have never gave any such orders to my subordinates.

I further report that I have no knowledge of any searches conducted in violation of the Fourth Admendment.

Respectfully Submitted

Sgt. Kenneth E. M. Taylor

Sgt. Kenneth E.M. Taylor

Boston Police

Page 1 of 1

Date 01-18-90

DISTRICT/UNIT "B"

CC# N/A

To: Deputy Superintendent William R. Celester
Commander Area "B"

From: Sergeant Eugene V. Wade
Power Patrol

Subject: Departmental Policy Regarding The Fourth Amendment

Sir:

I have no knowledge of any higher ranking superior officer giving orders to encourage superior officer or officers to conduct searches which are in violation of the Fourth Amendment and I have no knowledge of any officer conducting searches which are in violation of the Fourth Amendment.

Respectfully submitted

Sgt Eugene V. Wade
Sergeant Eugene V. Wade

Boston Police

Page 1 of 1

Date 01/19/90

DISTRICT/UNIT AREA B-3

CC# N/A

TO: William R. Celester
Deputy Superintendent
Commanding Area "B"

FROM: Captain Bobbie Johnson
District Commander
Area B-3

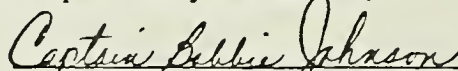
SUBJECT: Departmental Policy Regarding the Fourth Amendment

Sir:

Pursuant to your memo dated January 17, 1990, relative to the above captioned subject matter:

I respectfully submit that I have no knowledge of any Superior Officer or Police Officer in the Boston Police Department who has encouraged or practiced conducting searches in violation of the Boston Police Department policy or in violation of the Fourth Amendment of the U.S. Constitution.

Respectfully submitted,


Captain Bobbie Johnson
District Commander
Area B-3

BJJ/aw

Boston Police

Page ____ of ____

Date 1-21-90

DISTRICT/UNIT B

CC# _____

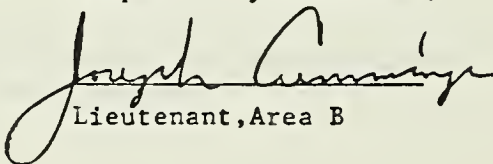
To; William Celester Deputy Superintendent Area B

From; Joseph Cummings Lieutenant Area B

Subject; Departmental Policy Regarding the Fourth Amendment.

Sir; In response to your memo dated January 17, 1990 I have no knowledge of any high ranking superior officer(s) encouraging anyone to conduct searches in violation of the fourth amendment nor do I have any knowledge of a search conducted in violation of the fourth amendment.

Respectfully submitted,


Lieutenant, Area B

Boston Police

Page 1 of 1

Date 01/19/90

DISTRICT/UNIT AREA B-3

CC# N/A

TO: Deputy Superintendent William R. Celester
Commanding Area "B"

FROM: Sergeant George Clark, ID #5937
Area B-3

SUBJECT: Report Regarding Department Policy of the 4th Amendment

Sir:

I respectfully submit the requested report relative to your memo dated January 17, 1990.

I do not have any personal knowledge of Superior Officers or Police Officers encouraging search practices or active searches conducted in violation of the Fourth Amendment.

Respectfully submitted

George Clark
Sergeant George Clark, ID #5937
Area B-3

GC/aw

Boston Police

Page 1 of 1

Date 01/19/90

CC#

DISTRICT/UNIT AREA B-#

TO: Deputy Superintendent William R. Celester Commanding Area B -

From: Sergeant James J. Coakley ID. 8459

Subject: Departmental Policy Regarding The Fourth Amendment

Sir:

I respectfully submit that, at no time, while carrying out my duties as a Sergeant with the Boston Police Department, did I receive either, verbally or in written form any order, that encouraged myself or any Police Officer that I supervise, to conduct search practices that would be in violation of the Fourth Amendment.

I also submit that working on the street as a Patrol Supervisor I have neither witnessed nor have I been informed of any searches being conducted in violation of the Fourth Amendment.

Respectfully Submitted,

S.T. James J. Coakley ID. 8459

Sergeant James J. Coakley ID. 8459

Boston Police

Page 1 of 1

Date 01/23/90

DISTRICT/UNIT AREA B-3

CC# N/A

TO: William R. Celester
Deputy Superintendent
Commanding Area "B"

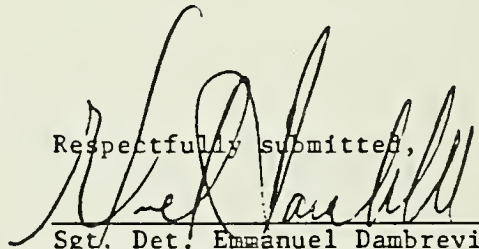
FROM: Sergeant Detective Emmanuel Dambreville
Detective Unit, ID #6824
Area B-3

SUBJECT: Departmental Policy Regarding the Fourth Amendment

Sir:

Pursuant to the above mentioned subject matter, I respectfully submit that I do not know nor have I received any order from a high ranking superior officer asking or encouraging me or any police officer from Area "B" or any other district to violate the Fourth Amendment or any other Amendment within the U.S. Constitution.

Respectfully submitted,


Sgt. Det. Emmanuel Dambreville
Detective Unit, ID #6824
Area B-3

Boston Police

Page 1 of 1

Date 1-20-90

DISTRICT/UNIT AREA B-3

CC#

TO: Deputy Superintendent William Celester

FROM: Sergeant Thomas Dowd

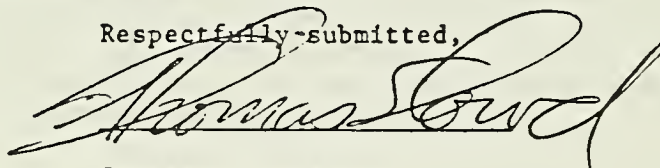
SUBJECT: Departmental Policy Regarding The Fourth Amendment

SIR:

I respectfully report that I have received no orders or encouragement from any high ranking Superior Officer to conduct searches that would violate the Fourth Amendment.

Further, I have no knowledge of any searches being conducted in violation of the Fourth Amendment.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Thomas Dowd", written over a horizontal line.

Sergeant, Area B-3

Boston Police

Page 1 of 1

Date 01-18-90

DISTRICT/UNIT Area B

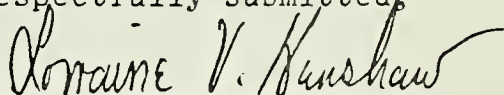
CC# N/A

TO: Deputy Superintendent William R. Celester, Commander Area I
FROM: Sergeant Lorraine V. Henshaw, Area B-3
SUBJECT: Departmental Policy Regarding The Fourth Amendment
SIR:

I respectfully submit the requested report relative to your memo dated January 17, 1990.

I do not have any knowledge of orders from any high ranking superior officers encouraging superior officers or police officers to conduct search practices in violation of the Fourth Amendment, nor do I have any knowledge of any searches being conducted in violation of the Fourth Amendment.

Respectfully submitted,



Sgt. Lorraine V. Henshaw
ID#7907 Area B-3

Boston Police

Page ____ of ____

Date _____

CC# _____

DISTRICT/UNIT _____

To: Deputy Superintendent William Celester,

From: Sergeant Daniel M. Keeler

Subject: Department Search Policy

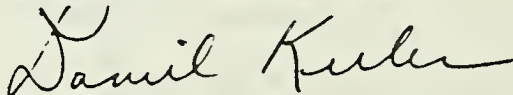
Sir:

Regarding your inquiry pertaining to existing Search Policy, I respectfully submit the following.

In respect to item #1, I have never received any orders from a Superior Officer regarding searches that would be contrary to the guidelines of the Fourth Amendment.

In respect to item # 2, I do not have any knowledge of of searches being conducted in violation of the Fourth Amendment.

Respectfully Submitted



Daniel M. Keeler

Sergeant B-3

Boston Police

Page 1 of 1

Date 22 Jan 1990

DISTRICT/UNIT AREA B-3

CC# N/A

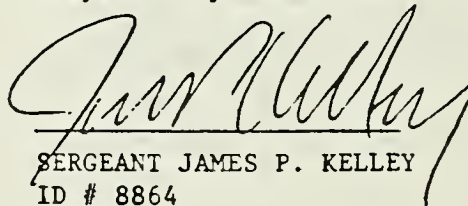
TO: Deputy Superintendent William R. Celester
FROM: Sergeant James P. Kelley, ID # 8864
SUBJECT: Departmental Policy re: Fourth Amendment
SIR:

I respectfully report the following:

I have no knowledge of any orders being issued, either verbally or in writing, by any Superior Officer regarding search practices in violation of the Fourth Amendment to the United States Constitution or Terry v. Ohio.

I have no knowledge of any searches being conducted by Area B personnel in violation of the above.

Respectfully submitted,



SERGEANT JAMES P. KELLEY
ID # 8864
Area B-3

Boston Police

Page 1 of 1

Date 1-19-90

DISTRICT/UNIT Area B

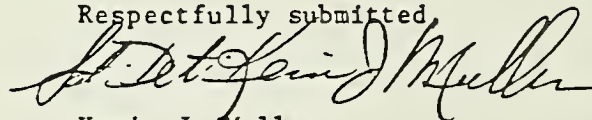
CC#

To: Deputy Superintendent William Celester
From: Sergeant Detective Kevin J. Mullen
Subject: Departmental Policy regarding the Fourth Amendment
Sir:|

Per your request of January 17, 1990, I hereby state the following facts and information concerning the above captioned matter.

- Item 1. At no time have I personally received any orders from any high ranking superior officer to conduct searches which would be in violation of the Fourth Amendment.
- Item 2. At no time have I directed any police officers to conduct searches in violation of the Fourth Amendment or have received any complaints from any citizens that such a practice has occurred to them.

Respectfully submitted,



Kevin J. Mullen
Sergeant Detective Area B-3

Boston Police

Page 1 of 1

Date 1/20/90

DISTRICT/UNIT B

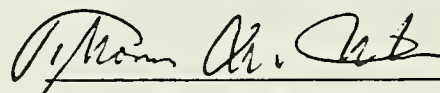
CC# na

To: Deputy Superintendent William Celester
From: Sergeant Thomas W. Nolan
Subject: Departmental Policy Regarding the Fourth Amendment
Sir:

Pursuant to your memo of 1/17/90: please be advised that I have no knowledge of any orders from any high ranking superior officers encouraging superior officers or police officers to conduct any searches in violation of the fourth amendment.

Further, I have no knowledge of any such searches being conducted in violation of the fourth amendment.

Respectfully submitted,



- Sgt. Thomas W. Nolan ID#7461

Boston Police

Page 1 of 1

Date 01-22-90

DISTRICT/UNIT Area B-3

CC# N/A

To: Deputy Superintendent William R. Celester
Commanding, Area "B"

From: William T. O'Brien, Jr. Sergeant Area B-3

Subject: The Fourth Amendment.

Sir:

I have no knowledge of any high ranking superior officer ordering any superior officer of police officer to conduct searches in violation of the Fourth Amendment.

I have no knowledge of any searches being conducted in violation of the Fourth Amendment.

Respectfully submitted,

William T. O'Brien, Jr.
Sergeant Area B-3

Boston Police

Page 1 of 1

Date 01/18/90

DISTRICT/UNIT Area B-3

CC#

To: Deputy Superintendent William R. Celester Commander, AreaB -

From: Sergeant William J. Slavin Id 8890.

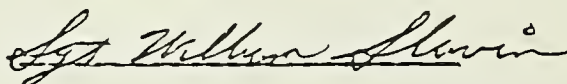
Subject: Departmental Policy Regarding The Fourth Amendment

Sir:

I have no knowledge of any orders being issued either verbally or in writing by any Superior Officer encouraging Police Officers or Sergeants to conduct searches in violation of the Fourth Amendment.

Nor do I have any knowledge of any searches being conducted in violation of the Fourth Amendment.

Respectfully Submitted,



Sergeant William J. Slavin Id. 8890

Boston Police

Page 1 of 1

Date 1/19/90

CC#

DISTRICT/UNIT B-3

TO: Deputy Superintendent William R. Celester

FROM: Sergeant Richard P. Sullivan, ID 8026

SUBJECT: Departmental Policy Regarding the Fourth Amendment.

Sir,

I respectfully submit in response to you're memo that I have no knowledge of any order(s) issued by a Superior Officer, either written or verbal, which would explicitly or implicitly serve to encourage the performance of searches in a manner not consistant with the constitutional safeguards provided by the Fourth Amendment or existing Boston Police Department policy.

I further respectfully submit that I have no knowledge of, nor have I encouraged, witnessed or been informed of any searches conducted in a manner inconsistent with the above procedural safeguards.

Respectfully Submitted

Sgt. Richard P. Sullivan

Boston Police

COMMISSIONER'S MEMORANDUM
NUMBER 89-35

TO: ALL BUREAUS, DISTRICTS,
AREAS, DIVISIONS, OFFICES,
SECTIONS, AND UNITS

COPIES TO: ALL SUPERINTENDENTS,
DEPUTY SUPERINTENDENTS,
AND DIRECTORS

May 23, 1989

SUBJECT: DEPARTMENT'S ROLE AS GUARDIAN OF CIVIL RIGHTS

I believe it is timely and appropriate to reiterate the Boston Police Department's long standing policy of protecting the civil rights of all citizens and enhancing our working relationship with the general public.

The police department has a profound responsibility to ensure that every citizen is guaranteed the exercise or enjoyment of rights secured by the Constitution and Laws of the United States, and secured by the Constitution and Laws of the Commonwealth. The inherent rights of every citizen regardless of race, color, religion or national origin to live, work, and travel in the City of Boston are fundamental rights guaranteed by the Constitution. The department will have the greatest respect for these rights, but, more importantly, will utilize any and all of its resources to protect citizens from those persons who would, by force or threat of force, willfully injure, intimidate, interfere with, oppress or threaten any other person in the free exercise or enjoyment of constitutionally protected rights. The very essence of our democratic values depends on the department's ability, will and resolve to protect the civil rights of citizens, thereby preserving and advancing the principles of democracy.

Additionally, the department recognizes that its success in achieving goals and objectives depends upon the cooperation it receives from the community. A spirit of cooperation is essential in order to address the crime and disorder problems within the neighborhoods. The department will receive the necessary support and cooperation if it is committed to treating every citizen with dignity and respect. The department will seek assistance from the community, for it realizes that policing is a complex and demanding profession which requires a relationship based upon a common purpose and mutual respect.

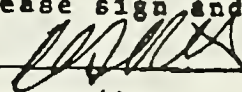
Our recent experience with drug, gang and firearm violence clearly illustrates the need for police officers to affirmatively act on reasonable suspicion and within the parameters of the Constitution to protect themselves and in the interest of public safety.

Therefore, in our commitment to the welfare and safety of the public, I reiterate that each officer must remain cognizant of the department's basic values and the vital importance of the Constitution, particularly in terms of the First, Fourth, Sixth and Fourteenth amendments, in guiding their judgments and actions.

Francis M. Roache

FRANCIS M. ROACHE

Acknowledge upon receipt.
Please sign and return to BFS via fax.


Commanding,

Area TEAM D11

Boston

NOTE:

The Team Police Division does not have a Department monitor.

October 18, 1989

TO: All Areas/Districts/Units
FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services
SUBJECT: Training Broadcasts

Effective as of Monday, October 2, 1989, The Department has been broadcasting over station television monitors, (Channel B-2), training programs in "Threshold Inquiry" and "Search and Seizure."

These broadcasts will continue until further notice. All Commanding Officers will insure that television monitors are functioning during the hours that the programs are telecast.

The training tapes will be broadcast according to the following schedule:

MONDAY TO THURSDAY

7:35 a.m. to 9:30 a.m.

11:00 a.m. to 4:00 p.m. continuously

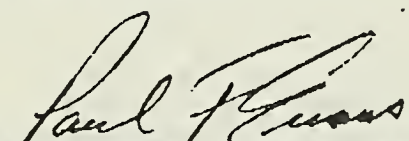
FRIDAY

7:35 a.m. to 9:30 a.m.

11:00 a.m. continuously until

9:30 a.m. Monday

All sworn personnel should be encouraged to view the training broadcasts during the above allocated time periods.


Superintendent Paul F. Evans
Chief, Bureau of Field Services



Please sign and return to BFS via fax.

Area

D-14

Boston

October 18, 1989

TO: All Areas/Districts/Units

FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services

SUBJECT: Training Broadcasts

Effective as of Monday, October 2, 1989, The Department has been broadcasting over station television monitors, (Channel B-2), training programs in "Threshold Inquiry" and "Search and Seizure."

These broadcasts will continue until further notice. All Commanding Officers will insure that television monitors are functioning during the hours that the programs are telecast.

The training tapes will be broadcast according to the following schedule:

[illegible]

FRIDAY 7:35 a.m. to 9:30 a.m.
11:00 a.m. continuously until
9:30 a.m. Monday

All sworn personnel should be encouraged to view the training broadcasts during the above allocated time periods.

Superintendent Paul F. Evans
Chief, Bureau of Field Services



Acknowledge upon receipt.
Please sign and return to BPS via fax

Boston

Commanding, Area _____

October 18, 1989

TO: All Areas/Districts/Units
FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services
SUBJECT: Training Broadcasts

Effective as of Monday, October 2, 1989, The Department has been broadcasting over station television monitors, (Channel B-2), training programs in "Threshold Inquiry" and "Search and Seizure."

These broadcasts will continue until further notice. All Commanding Officers will insure that television monitors are functioning during the hours that the programs are telecast.

The training tapes will be broadcast according to the following schedule:

MONDAY TO THURSDAY

7:35 a.m. to 9:30 a.m.

11:00 a.m. to 4:00 p.m. continuously

FRIDAY

7:35 a.m. to 9:30 a.m.

11:00 a.m. continuously until

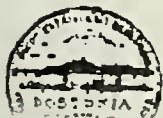
9:30 a.m. Monday

All sworn personnel should be encouraged to view the training broadcasts during the above allocated time periods.

Area C 6 does not have a television monitor.

T. Crowley
Capt. T. Crowley
10-18-89

Paul F. Evans
Superintendent Paul F. Evans
Chief, Bureau of Field Services



Acknowledge upon receipt.
Please sign and return to BFS via fax.

PFB

Commanding,

Area C

Boston

October 18, 1989

TO: All Areas/Districts/Units
FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services
SUBJECT: Training Broadcasts

Effective as of Monday, October 2, 1989, The Department has been broadcasting over station television monitors, (Channel B-2), training programs in "Threshold Inquiry" and "Search and Seizure."

These broadcasts will continue until further notice. All Commanding Officers will insure that television monitors are functioning during the hours that the programs are telecast.

The training tapes will be broadcast according to the following schedule:

MONDAY TO THURSDAY

7:35 a.m. to 9:30 a.m.
11:00 a.m. to 4:00 p.m. continuously

FRIDAY

7:35 a.m. to 9:30 a.m.
11:00 a.m. continuously until
9:30 a.m. Monday

All sworn personnel should be encouraged to view the training broadcasts during the above allocated time periods.

Paul F. Evans
Superintendent Paul F. Evans
Chief, Bureau of Field Services

Raymond L. Flynn, Mayor/POLICE DEPARTMENT/154 Berkeley Street 02116



CT 19 '89 9:55 FROM BFS

TO AREA A

PAGE.001/001

Acknowledge upon receipt.
Please sign and return to BFS via fax.

Commanding.

Area

Boston

October 18, 1989

TO: All Areas/Districts/Units
FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services
SUBJECT: Training Broadcasts

Effective as of Monday, October 2, 1989, The Department has been broadcasting over station television monitors, (Channel B-2), training programs in "Threshold Inquiry" and "Search and Seizure."

These broadcasts will continue until further notice. All Commanding Officers will insure that television monitors are functioning during the hours that the programs are telecast.

The training tapes will be broadcast according to the following schedule:

MONDAY TO THURSDAY	7:35 a.m. to 9:30 a.m. 11:00 a.m. to 4:00 p.m. continuously
FRIDAY	7:35 a.m. to 9:30 a.m. 11:00 a.m. continuously until 9:30 a.m. Monday

All sworn personnel should be encouraged to view the training broadcasts during the above allocated time periods.

Paul F. Evans
Superintendent Paul F. Evans
Chief, Bureau of Field Services

CT 18 '89 15:48 FROM BFS

TO AREA A

PAGE.001/001

Acknowledge upon receipt.
Please sign and return to BFS via fax

Commanding,

Area

Boston

October 18, 1989

TO: All Areas/Districts/Units
FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services
SUBJECT: Training Broadcasts

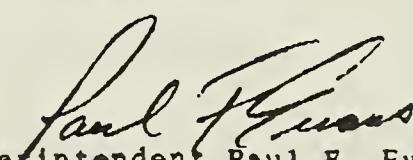
Effective as of Monday, October 2, 1989, The Department has been broadcasting over station television monitors, (Channel B-2), training programs in "Threshold Inquiry" and "Search and Seizure."

These broadcasts will continue until further notice. All Commanding Officers will insure that television monitors are functioning during the hours that the programs are telecast.

The training tapes will be broadcast according to the following schedule:

MONDAY TO THURSDAY	7:35 a.m. to 9:30 a.m. 11:00 a.m. to 4:00 p.m. continuously
FRIDAY	7:35 a.m. to 9:30 a.m. 11:00 a.m. continuously until 9:30 a.m. Monday

All sworn personnel should be encouraged to view the training broadcasts during the above allocated time periods.


Superintendent Paul F. Evans
Chief, Bureau of Field Services

Boston

October 18, 1989

To: Paul Evans
Superintendent
Bureau of Field Services

From: Lieutenant Harold Prefontaine

Subject: Threshold Inquiry Training Broadcast

Sir,

I respectfully report that as of Monday, October 2, 1989, and continuing until further notice, The Boston Police Academy Information Network, operating on channel B-2 of the Boston Cablevision, broadcasts the following training programs:

1. A 24 minute tape of Sergeant Detective James Moore's lecture on Threshold Inquiry, followed by
2. A 32 minute commercially made lecture on Search and Seizure.

The time schedule for these broadcasts are as follows:

Monday to Thursday (inclusive)

7:35 A.M. to 9:30 A.M.

11:00 A.M. to 4:00 P.M. (continuously)

4:00 P.M. to 7:30 A.M. - No police training tapes are presently broadcast

Friday

7:35 A.M. to 9:30 A.M.

11:00 A.M. continuously until 9:30 A.M. Monday

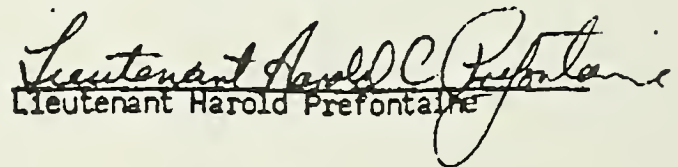
OCT 18 '89 11:10

MOD BSO

916 P02

Area commanders, once notified of the broadcast times, could possibly schedule officers to watch one of these broadcasts.

Respectfully submitted,


Lieutenant Harold Prefontaine

HP:tm

* COMMAND CONFIRMATION REPORT * AS OF OCT 18 '89 15:47 PAGE

BFS

COMMAND #86

TELEPHONE NR

LIST #20 ALL LOGS

SND MODE PCN TIME CODE RLY MAIL# #F
1 1100H

0

+ COMMAND CONFIRMATION REPORT * AS OF OCT 19 '89 9:54 PAGE.01

COMMAND #87

BFS

TELEPHONE NR
LIST #20 ALL LOGS

SND MODE PCU TIME CODE PLY MAIL# #PGS
+ NDRM 01

Acknowledge upon receipt.

Please sign and return to BFS via fax.

[Signature]

Commanding.

Area TEAM

NOTE: THE TEAM DIVISION DOES NOT
HAVE ANY DEPT. MEDIA EQUIPMENT
AND ACCORDING TO THE PROPERTY
CLERK NONE IS AVAILABLE

Boston

October 18, 1989

TO: All Areas/Districts/Units
FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services
SUBJECT: Training Broadcasts

Effective as of Monday, October 2, 1989, The Department has been broadcasting over station television monitors, (Channel B-2), training programs in "Threshold Inquiry" and "Search and Seizure."

These broadcasts will continue until further notice. All Commanding Officers will insure that television monitors are functioning during the hours that the programs are telecast.

The training tapes will be broadcast according to the following schedule:

MONDAY TO THURSDAY	7:35 a.m. to 9:30 a.m. 11:00 a.m. to 4:00 p.m. continuously
FRIDAY	7:35 a.m. to 9:30 a.m. 11:00 a.m. continuously until 9:30 a.m. Monday

All sworn personnel should be encouraged to view the training broadcasts during the above allocated time periods.

[Signature: Paul F. Evans]
Superintendent Paul F. Evans
Chief, Bureau of Field Services

Acknowledge upon receipt.
Please sign and return to BFS via fax

JPM
Commanding.

Area

E

Boston

October 18, 1989

TO: All Areas/Districts/Units

FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services

SUBJECT: Training Broadcasts

Effective as of Monday, October 2, 1989, The Department has been broadcasting over station television monitors, (Channel B-2), training programs in "Threshold Inquiry" and "Search and Seizure."

These broadcasts will continue until further notice. All Commanding Officers will insure that television monitors are functioning during the hours that the programs are telecast.

The training tapes will be broadcast according to the following schedule:

MONDAY TO THURSDAY

7:35 a.m. to 9:30 a.m.

11:00 a.m. to 4:00 p.m. continuously

FRIDAY

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11:00 a.m. continuously until

9:30 a.m. Monday

All sworn personnel should be encouraged to view the training broadcasts during the above allocated time periods.

Paul F. Evans
Superintendent Paul F. Evans
Chief, Bureau of Field Services



Acknowledge upon receipt.
Please sign and return to BFS via fe

Paul F. Evans
Commanding,

Area E

Boston

October 18, 1989

TO: All Areas/Districts/Units
FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services
SUBJECT: Training Broadcasts

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Paul F. Evans
Superintendent Paul F. Evans
Chief, Bureau of Field Services

OCT 19 '89 10:15 FROM BFS

TO AREA C-E

PAGE 001/001

Acknowledge upon receipt.
Please sign and return to BFS via fax.

Boston

Commanding.

Area C-6NO MONITOR C-6

October 18, 1989

TO: All Areas/Districts/Units
FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services
SUBJECT: Training Broadcasts

Effective as of Monday, October 2, 1989, The Department has been broadcasting over station television monitors, (Channel B-2), training programs in "Threshold Inquiry" and "Search and Seizure."

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11:00 a.m. continuously until
9:30 a.m. Monday

All sworn personnel should be encouraged to view the training broadcasts during the above allocated time periods.

Paul F. Evans
Superintendent Paul F. Evans
Chief, Bureau of Field Services

Acknowledge upon receipt. 10/20/89
Please sign and return to BFS via fax.

Lt. Michael B. Brodeur

Commanding,

Area

M.O.D.

F

Boston

October 18, 1989

TO: All Areas/Districts/Units
FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services
SUBJECT: Training Broadcasts

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Paul F. Evans
Superintendent Paul F. Evans
Chief, Bureau of Field Services

Acknowledge upon receipt.
Please sign and return to BFS via fax.

Boston

Commanding, Area _____

October 18, 1989

TO: All Areas/Districts/Units

FROM: Superintendent Paul F. Evans
Chief, Bureau of Field Services

SUBJECT: Training Broadcasts

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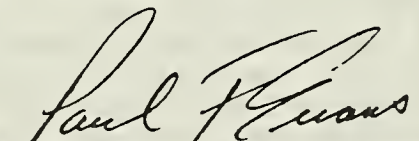
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FRIDAY	7:35 a.m. to 9:30 a.m. 11:00 a.m. continuously until 9:30 a.m. Monday
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Superintendent Paul F. Evans
Chief, Bureau of Field Services

Boston Police

COMMISSIONER'S MEMORANDUM
NUMBER 89-76TO: ALL BUREAUS, DISTRICTS,
AREAS, DIVISIONS, OFFICES,
SECTIONS, AND UNITSCOPIES TO: ALL SUPERINTENDENTS,
DEPUTY SUPERINTENDENTS,
AND DIRECTORS

October 12, 1989

SUBJECT: BOSTON POLICE DEPARTMENT AND CONSTITUTIONAL RIGHTS

On May 23, 1989, I issued Commissioner's Memorandum Number 89-35, entitled "Department's Role as Guardian of Civil Rights." The purpose of that memorandum was to emphasize the vital importance of the Constitution, particularly in terms of the First, Fourth, Fifth, Sixth and Fourteenth Amendments, in guiding officers' judgements and actions.

Recent court decisions and the attendant publicity they have generated may have given the faulty perception that the Boston Police Department is willing to sacrifice the Constitutional rights of citizens in order to bring criminals to justice. Nothing could be farther from the truth. It is my intent to re-state what department policy and procedures have been and will continue to be, particularly in regard to the Fourth Amendment.

The Department will continue to utilize any and all of its resources to protect citizens from those persons who willfully interfere with any citizen's free exercise and enjoyment of constitutionally protected rights. One of the most valuable procedures available to police officers in performing this duty is, and has been since 1968; the Threshold Inquiry (Terry v. Ohio). This procedure has been a very useful tool and when properly understood and utilized has proven to be effective against the criminal suspect, yet protective of the state and federal Constitutional rights.

THE STOP

An officer may not stop every person whom he sees, but he may stop those with respect to whom he has a reasonable suspicion that they are engaged in criminal activity. Simply stated, this means that if an officer observes activity, which based on his training and experience leads him reasonably to suspect, on grounds that he could explain, that a person has, is or is about to commit a crime, the officer may briefly detain that person to investigate.

This detention may be based on less than probable cause, but reasonable suspicion is more than a hunch or mere suspicion, or good faith belief. Reasonable suspicion may be founded on an officer's personal observations or may be based on information received together with the reasonable inferences which may be drawn from those observations and/or information.



MENTION AT ROLL CALLS

POST UNTIL Indefinite

BOSTON POLICE DEPARTMENT
AND CONSTITUTIONAL RIGHTS
PAGE TWO

Since the stop is based on less than probable cause, it must be brief and must not turn into a custody situation normally associated with an arrest. There are no specific time limits as to how long a Threshold Inquiry may last, and appropriateness will be determined on a case by case basis as dictated by the totality of the circumstances. The officer should make a common sense objective determination as to how he may quickly yet thoroughly, confirm or dispel his suspicions.

THE FRISK

If the officer has objective facts which he can explain and which lead him to believe that the person with whom he is dealing may be armed, and thus that the person may pose a threat to the officer or others, the officer may frisk that person. Generally, a frisk is limited to a pat down of the outer clothing and the area within the immediate control of the person. The purpose of a frisk is to discover weapons. A FRISK MAY NEVER BE CONDUCTED FOR THE PURPOSE OF FINDING EVIDENCE.

A frisk, like the initial stop, is based on a standard which is less than probable cause. It must not turn into a search unless the frisk itself reveals evidence which would rise to the level of probable cause. A frisk cannot extend into a pocket or inside articles carried by a person.

MOTOR VEHICLES

The Threshold Inquiry may extend to people in motor vehicles, as long as an officer has reasonable suspicion that the occupants are engaged in criminal activity. If the officer has facts which he can explain and which lead him to believe that a weapon may be present, he may frisk the driver and passengers, and may search for a weapon in the passenger compartment of the car (including unlocked containers). An officer must remember that he is looking only for weapons, and may not look inside containers which could not hold a weapon.

BOSTON POLICE DEPARTMENT
AND CONSTITUTIONAL RIGHTS
PAGE THREE

As indicated above, the principles re-stated in this memorandum are not simply the policy of this department; they reflect and are dictated by the very highest (and controlling) law of the land. The very essence of our democratic values depends on the department's ability, will and resolve to protect the constitutional rights of citizens. Officers performing their duties at the highest level of professionalism, in cooperation with the community they serve, will be the benchmark of commitment to treating the citizens with responsiveness, respect and dignity. Thus all will be assured of the continued livability of the City, the peace and safety of its citizens and the swift apprehension and prosecution of those who would violate her laws.


Francis M. Roache
Police Commissioner



SUPREME JUDICIAL COURT
BOSTON, MASSACHUSETTS 02108

EDWARD F. HENNESSEY
CHIEF JUSTICE
(Retired)

March 20, 1990

Commissioner Francis M. Roache
Boston Police Department
154 Berkeley Street
Boston, Massachusetts

Herewith is the report of the Advisory Committee. Dean Rosenblatt, Professor Ogletree and Mr. Velez join me in expressing gratification that you and Mayor Flynn fully appreciate and insist that constitutional rights of citizens must and can be protected even as the police are aggressive in enforcing the law.

Our recommendations include (1) suggestions as to the training of officers, (2) monitoring and review of bodily search episodes, (3) the establishing of a "neutral" complaint procedure, (4) the establishing of an advisory committee of persons expert in police procedure and criminal justice, and (5) the establishing of a program for improved relations between police and the community, including the use of a Police/Community Relations Committee.

Our final thought: we have recommended that literature be provided by the Police Department to "neutral" complaint sources, and to the community in general, insofar as it can be practically done. This literature would describe the procedures of the Internal Affairs Division of the Department in the handling of complaints against officers. Perhaps also a card for wide distribution can be devised which describes individual rights as to bodily searches and stop/frisks.

an new include info on searches.
Sincerely,

E. F. Hennessey
Edward F. Hennessey

enclosure

REPORT OF ADVISORY COMMITTEE

To: Commissioner Francis M. Roache

From: Advisory Committee on Boston Police Training
and Education re Searches of Persons

Date: March 21, 1990

I. INTRODUCTION

In recent months the news media of Boston have reported a substantial number of complaints, particularly from young black men of Roxbury and Dorchester, that Boston police officers have engaged in illegal body searches.

Some of the complaints are that complete body searches, as well as mere "frisks," have been done without lawful justification. Other complaints are of harassment by means of repeated searches of the same person in quick succession.

None of the complainants have identified themselves by name and address to the Boston Police administration, but some have identified themselves to other authorities. Also, some court decisions in recent months are corroborative of some of the complaints.

II. THIS COMMITTEE'S MISSION

On January 16, 1990, Commissioner Roache asked this committee to review the Boston Police training and performance as to body searches, and to make such recommendations as we think appropriate.

Accordingly, we consider our mission to be primarily related to body searches, particularly "stop and frisk" situations. However, we have appraised the entire

training procedure as to all subject matter, and in doing so we have visited the Boston Police Academy where recruits as well as officers-in-service are trained.

Our several recommendations constitute the concluding, and we think the most important, part of this report. Although we are principally concerned with body searches, we have made some recommendations concerning community relations. Recent opinion polls have shown that Boston communities with large concentrations of minorities are deeply divided on the issue whether they favor or disapprove of police stop and frisk tactics. We believe that if the Department adheres to the recommendations outlined in this report, it will help to establish some needed credibility in communities of color. However, the Department should engage in a healing process even as it pursues effective policing tactics. The police have a difficult and dangerous job, but we think that following our recommendations will not increase the risk to the safety of officers.

III. CONSTITUTIONAL PRINCIPLES AS TO BODY SEARCHES

The constitutional principles are fairly easy to state, but they are far from easy for police officers to apply on the street and in dynamic circumstances. This difficulty is particularly present in stop and frisk incidents.

The Fourth Amendment to the United States Constitution and Article Fourteen of the Massachusetts Declaration of Rights provide that every subject has a right to be secure from unreasonable searches.

Complete Body Search. The circumstances must reach the level of probable cause to justify a complete body search. This means that in practice a complete body search is justified only after a subject has been placed under arrest based upon probable cause.

Probable Cause to Arrest. That set of articulable facts known prior to the arrest and search that would lead a reasonable and prudent person to believe: (1) that a crime has occurred or is occurring, and (2) the person arrested is the perpetrator.

Stop and Frisk. A level of suspicious circumstances lower than probable cause will justify a pat-down of the outer garments in a search for weapons only. However, discovery of a weapon in the course of a lawful pat-down may justify a lawful arrest and complete body search.

The pat-down must be justified by "articulable facts." These facts must be known to the police before the stop and frisk occurs, and must be personal to the subject who is to be searched. A search on the basis of a "profile" only, such as the subject conforming to a particular age, skin color and neighborhood, is unlawful.

Articulable Facts. Specific and well defined details, based upon training, experience, and personal observations of the officer.

IV. PRESENT TRAINING OF BOSTON POLICE

We found that the training of officers is progressive and comprehensive. Recruits are required to complete six months of training, which includes 960 hours of training and education at the Police Academy. Written materials are presented which are the equivalent of several large printed volumes. A list of the courses presented is attached herewith (EXHIBIT ONE).

Officers-in-service are required to complete at least 40 hours of continuing education every two years.

The Department has four tiers of training: recruit, in-service, "specialized," and developmental. Video-taped training sessions are presented. Also, the Training Division distributes an average of thirty training bulletins in a year, and supervisory officers are exposed to additional training literature in the form of at least four "viewpoint" articles per year.

The material on constitutional law, including civil rights, is clearly written and constitutes a large printed volume. The law concerning searches of persons, automobiles and buildings is comprehensively treated.

Recent directives from the Commissioner to all officers have emphasized the Department's profound responsibility in upholding the Constitution and Laws of the Commonwealth, and have stressed the spirit of cooperation needed on the part of police officers and civilians to address crime issues. Commissioner Roache also included some comments regarding the Department's commitment to treating citizens with dignity and respect. See, for example, the Commissioner's Memorandum to all officers on the "Department's Role as Guardian of Civil Rights" dated May 23, 1989 (EXHIBIT TWO, attached hereto).

Particular emphasis on the rights of individuals as to bodily search has been emphasized in special directives in recent months. See, for example, the directive as to bodily searches to all officers from the Commissioner dated October 12, 1989 (EXHIBIT THREE, attached hereto). See also the proposed Commissioner's Memorandum to all officers (EXHIBIT FOUR, attached hereto) which aims to document and monitor stops and frisks.

We found the widely-disseminated list of Department Values (attached hereto as EXHIBIT FIVE) to be an impressive statement of standards for a contemporary police force.

The Department is to be commended for the organization and planning of its training curricula. However, as with any educational curricula, lesson plans are only as good as the instructors used and implementation techniques employed. Hence our strong recommendation immediately below that constitutional concepts related to searches be taught by examples, and not merely legal definitions.

V. RECOMMENDATIONS

1. We recommend that the concepts of probable cause, articulable suspicion and stop and frisk should be taught with as many illustrative examples as possible. Dozens of factual situations from adjudicated cases can be gathered and presented as "hypotheticals" or "vignettes." Printed materials and audio-visual presentations can be used. Professionally prepared vignettes making use of the most advanced techniques of the visual media should be prepared for use in the police stations and in the Boston Police Academy. To this end, students enrolled in college and university programs in the theatre and visual arts might be utilized as well as in-kind contributions from professional media organizations located in Boston. This method should make the legal definitions come alive, with special value in the difficult application of stop and frisk principles. Role playing and simulated situations should be designed to increase officer sensitivity to actual encounters.

Serious thought should be given to whether 40 hours of continuing education every other year is sufficient for in-service officers. As far as practical, in-service training

should be expanded in all police stations. One method would be to have a police training officer, assigned by the Police Academy, to conduct brief periods of instruction in police stations on subjects of pressing relevance to all officers assigned to that station. These classes should be conducted during the officers' assigned work period and should deal specifically with subjects of significance in the performance of police duties. Cable TV, with its studio at the ~~Police Academy~~ Police Academy, could be utilized for projection of visual materials to all precincts and stations. In addition, educational programs that would expand the public's knowledge, and especially that of students in Boston schools, could be developed and broadcasted through cable TV.

2. We especially endorse the proposed new Department procedures, shown on page 3 of EXHIBIT FOUR, which monitor stops and stop/frisks as they are occurring, and which review these episodes subsequently, and which require that citizens must be advised why they are being stopped. We understand that these procedures will very soon be approved and established by the Commissioner.

3. We find it regrettable that some citizens have recently alleged that they have valid complaints of illegal searches, and yet have not addressed those complaints to the Commissioner. Our review of the Department's processing and disposition of complaints in past years reflects good response, and discipline of officers where warranted. Also, the Department has a firm rule against harassment of any citizen who files a complaint. See the last paragraph of EXHIBIT SIX attached hereto, and entitled Rule No. 109, Sections 45-47.

Any clergyman, teacher, parent or other responsible person should feel free to assist in recording complaints. Recog-

nizing that some complainants may be reluctant to come forward, we recommend that "neutral" locations be established to receive complaints of specific incidents of alleged police misconduct. These locations should not be connected to the police or the courts. The complaints as received can then be simultaneously transmitted to the Police Commissioner, the United States Attorney (Att: Assistant U. S. Attorney Ralph C. Martin, II), in Boston, and the Civil Rights Division in the office of the Attorney General of Massachusetts.

The neutral locations for the receipt of complaints should be publicized by the Police Department, with the hope that the news media will assist in the publicity. Printed information as to complaint procedures should be available at the neutral location, and should be distributed as widely as possible in the community. The following organizations have agreed to receive and transmit any such complaints:

Drop-A-Dime
90 Warren Street
Roxbury, MA 02119
427-3463

Freedom House, Inc.
14 Crawford Street
Dorchester, MA 02121
445-3700

Lena Park Community Development Corporation
150 American Legion Highway
Dorchester, MA 02124
436-1900

La Alianza Hispana
409 Dudley Street
Roxbury, MA 02119
445-4333

Lawyer's Committee for Civil Rights Under Law of the Boston Bar Association
294 Washington Street
Boston, MA 02108
482-1145

Dean's Office
College of Criminal Justice
Northeastern University
360 Huntington Avenue
Boston, MA
437-3327

Roxbury Defenders Committee, Inc.
124-126 Warren Street
Roxbury, MA 02119
445-5640

Roxbury Multi-Service Center
317 Blue Hill Avenue
Roxbury, MA 02121
427-4470

Roxbury Youthworks, Inc.
130 Warren Street
Roxbury, MA 02119
427-7322

Sociedad Latina Inc.
1554 Tremont Street
Boston, MA 02120
442-4299

4. For the purpose of public education, we recommend that the Department should seek the assistance of local universities and the Bar Associations in community education projects which would result in a more sophisticated populace. A citizen who knows his/her rights and the function of the police will be more understanding and cooperative in his/her dealings with the police and serve as a valuable deterrent against inappropriate police behavior. The community training projects should be well attended by police to foster a spirit of communication and cooperation which is clearly lacking in many communities. An example of such a project is the Law Day activities planned by Roxbury Youthworks, Inc. and Northeastern University's College of Criminal Justice in which materials on "stop and frisk" will be disseminated to Boston public school students. A select group of students will be asked to argue the merits of "stop and frisk" in a panel format on May 1.

5. A standing Advisory Committee, including persons knowledgeable in criminal justice and police procedure, could be established with rotating membership appointed by the Commissioner for periodic review of (1) the Department's training and education programs, (2) the Department's practices and procedures in monitoring the performance of officers (for example whether the proposed procedures for monitoring of searches, shown on page 3 of EXHIBIT FOUR, are being effectively pursued, and (3) for review of progress designed to improve police/community relationships, assisted by information supplied by the Police/Civilian Community Relations Committee described below in recommendation No. 6. ¹✓

¹✓ There is a clear distinction between the Police/Civilian Community Relations Committee, which would collect

The Advisory Committee should periodically send its recommendations to the Commissioner.

6. Additional steps should be taken toward improving the relationship between the police and the community.

Improving community relations can start at the Police Academy. Besides offering 164 hours of training in applying/enforcing the law, perhaps the Department can offer a substantial increase in the hours of training in providing service and rendering assistance. Many officers spend most of their time answering service calls. This places them in constant contact with community residents. Police should receive additional training in mediation skills, violence prevention skills, causes and effects of prejudice, and cultural sensitivity.

The "community survey" model presently employed by the Academy is an effective tool in making recruits more sensitive to the communities they might patrol. It is important to continue this dialogue with the community once a police officer is assigned to a stationhouse. In addition to regular patrol, officers should participate in the community education projects outlined in recommendation # 4. The Department should continue its efforts to decentralize operations in the community (e.g., Mattapan substation and Jamaica Plain stationhouse which is scheduled

data and feedback, and disseminate information, and the Advisory Committee, which would issue recommendations and have monitoring and evaluation responsibilities and capabilities. The Advisory Committee should be perceived as a panel of "experts" and practitioners in the field of criminal justice and police procedures. This differentiates it from the Police/Civilian Community Relations Committee which represents different community constituencies.

to open soon) which includes administrative decentralization and reassignment of police officers to foot patrol. This will facilitate an ongoing dialogue between the police and community residents which should help to improve the public's perception of and trust in the police.

More minority police officers should be deployed in communities of color. To the extent that it can be done without discrimination against any candidates for appointment or promotion, the Department should recruit and promote more minorities and seek the assistance of organizations such as The George Lewis Ruffin Society to administer preparation courses to minorities for promotion examinations. As outlined in recommendation # 4, the Department could seek additional training and educational opportunities for its officers from local universities and Bar Associations.

A joint Police/Civilian Community Relations Committee could be formed to assist in formulating strategies on how to improve police-community relations. This group of individuals could be appointed by the Mayor and include representatives from the Department, government, business, academia, the clergy, community-based organizations, and the community.

As one of its first tasks, the Committee could work with the Department and a college or university to conduct a city-wide consumer survey of police services. The Department and community should be involved in devising, administering, and reviewing the results of this survey. The Committee could hold a series of neighborhood meetings to disseminate the results of the survey and gather recommendations from the community. This process could be

expeditiously started in Roxbury and Dorchester but might thereafter be extended to all neighborhoods. This information could be forwarded to the Advisory Committee outlined in recommendation # 5. This would allow the community to be heard as to how and when changes should be implemented. In particular, communities of color should be kept informed about the progress of these changes so as to reduce levels of tension and distrust.

The Committee also could work toward implementing the community education projects outlined in recommendation # 4. In addition, they could jointly establish additional citizen crime watch groups to foster a stronger relationship between the Department and community residents.

Signed March 21, 1990

Edward F. Hennessey, Chair.
Chief Justice (Retired)
Supreme Judicial Court

Charles J. Ogletree
Professor, Harvard Law School

Norman Rosenblatt, Dean
College of Criminal Justice
Northeastern University

Luis A. Velez, Executive Director
Roxbury Youthworks

EXHIBIT ONE

BOSTON POLICE DEPARTMENT

DIVISION OF TRAINING AND EDUCATION

BASIC RECRUIT COURSE HOURS

			<u>HOURS</u>
PATROLLING	1A1	Police Role in Modern Society	2
	1A2	Criminal Justice System	2
	1A3	Organization and Management of Police	2
	1A4	Environment of Policing	2
	1B1	Patrol Procedures	26
	1B2	Observation	4
	1B3	Vehicle Theft Investigation & Recognition	8
	1C1	Special Tactics	12
	1C2	Response to Special Emergencies	4
	1D1	Handling Traffic Investigations	24
			86
PROVIDING SERVICE AND RENDERING ASSISTANCE	2A1	Community Relations	4
	2B1	First Aid/OPR, Water Safety	36
	2C1	Conflict Resolution	10
	2C2	Crisis Intervention	10
	2E1	Domestic Violence	6
	2F1	Victimization and Victim Rights	4
			70
APPLYING ENFORCING THE LAW	3A1-2	Constitutional Basis of Investigation (Introduction to the Legal Process)	32
	3A3	Massachusetts Law - Criminal	36
	3A4	Massachusetts Law - Traffic	28
	3A5	The Warrant Process	6
	3A6	Civil Rights Laws and Enforcement (Community Disorders Unit)	8
	3B1	Juvenile Law	8
	3C1	Controlled Substances Laws	24
	3D1	Suicide Prevention and Intervention	4
	3E1	Child Abuse	6
	3F1	Ethics	12
			164
INVESTIGATION	4A1	Investigative Techniques	7
	4A2	Managing the Crime Scene	16
	4A3	Interview and Interrogation	9
	4B1	Property Custody	1
	4C1	Introduction to New Technology	2
			35

EXHIBIT ONE - PAGE 2

			<u>HOURS</u>
COURTROOM	5A1	Processing the Arrested Person	3
PRESENTATION	5A2	Court Preparation and Procedure	<u>14</u>
AND			
PREPARATION			17
DOCUMENTING AND	6A1	Written Communication	40
RECORDING	6A2	Oral Communication	<u>5</u>
			45
PHYSICAL SKILLS	7A1	Physical Fitness Training	100
AND WELLNESS	7B1	Self-Defense	48
	7C1	Defensive Driving	32
	7D1	Use of Firearms	112
	7E1	Wellness Program	12
	7F1	Counseling Services	1
	7G1	Coping With Stress	<u>8</u>
			313
ADDITIONS		Community Survey	20
		Rules and Regulations	8
		Municipal Law	8
		Hostage Negotiations	8
		Crowd Control	12
		Officer Survival	24
		Discretion & Decision Making	4
		Ethnicity	2
		Crime Prevention	8
		Community Speakers	8
		Arson Squad	4
		Infectious Diseases	4
		Spanish for Police Officers	20
		Interpersonal Relations	6
		Managing Your Self	6
		Excellence in Policing	12
		Sexual Harrassment Policy	2
		Abnormal Psychology	<u>4</u>
			160
		Sub-Total	890
		Administrative and Exam Time	<u>70</u>
		Total Hours	960

Boston Police

COMMISSIONER'S MEMORANDUM
NUMBER 89-35TO: ALL BUREAUS, DISTRICTS,
AREAS, DIVISIONS, OFFICES,
SECTIONS, AND UNITS

May 23, 1989

COPIES TO: ALL SUPERINTENDENTS,
DEPUTY SUPERINTENDENTS,
AND DIRECTORS

SUBJECT: DEPARTMENT'S ROLE AS GUARDIAN OF CIVIL RIGHTS

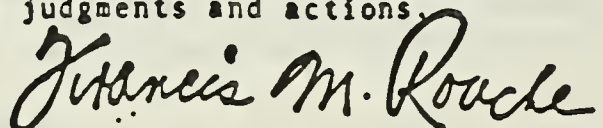
I believe it is timely and appropriate to reiterate the Boston Police Department's long standing policy of protecting the civil rights of all citizens and enhancing our working relationship with the general public.

The police department has a profound responsibility to ensure that every citizen is guaranteed the exercise or enjoyment of rights secured by the Constitution and Laws of the United States, and secured by the Constitution and Laws of the Commonwealth. The inherent rights of every citizen regardless of race, color, religion or national origin to live, work, and travel in the City of Boston are fundamental rights guaranteed by the Constitution. The department will have the greatest respect for these rights, but, more importantly, will utilize any and all of its resources to protect citizens from those persons who would, by force or threat of force, willfully injure, intimidate, interfere with, oppress or threaten any other person in the free exercise or enjoyment of constitutionally protected rights. The very essence of our democratic values depends on the department's ability, will and resolve to protect the civil rights of citizens, thereby preserving and advancing the principles of democracy.

Additionally, the department recognizes that its success in achieving goals and objectives depends upon the cooperation it receives from the community. A spirit of cooperation is essential in order to address the crime and disorder problems within the neighborhoods. The department will receive the necessary support and cooperation if it is committed to treating every citizen with dignity and respect. The department will seek assistance from the community, for it realizes that policing is a complex and demanding profession which requires a relationship based upon a common purpose and mutual respect.

Our recent experience with drug, gang and firearm violence clearly illustrates the need for police officers to affirmatively act on reasonable suspicion and within the parameters of the Constitution to protect themselves and in the interest of public safety.

Therefore, in our commitment to the welfare and safety of the public, I reiterate that each officer must remain cognizant of the department's basic values and the vital importance of the Constitution, particularly in terms of the First, Fourth, Sixth and Fourteenth amendments, in guiding their judgments and actions.

FRANCIS M. ROACHE
POLICE COMMISSIONER

Boston Police

COMMISSIONER'S MEMORANDUM
NUMBER 89-76

TO: ALL BUREAUS, DISTRICTS,
AREAS, DIVISIONS, OFFICES,
SECTIONS, AND UNITS

COPIES TO: ALL SUPERINTENDENTS,
DEPUTY SUPERINTENDENTS,
AND DIRECTORS

October 12, 1989

SUBJECT: BOSTON POLICE DEPARTMENT AND CONSTITUTIONAL RIGHTS

On May 23, 1989, I issued Commissioner's Memorandum Number 89-35, entitled "Department's Role as Guardian of Civil Rights." The purpose of that memorandum was to emphasize the vital importance of the Constitution, particularly in terms of the First, Fourth, Fifth, Sixth and Fourteenth Amendments, in guiding officers' judgements and actions.

Recent court decisions and the attendant publicity they have generated may have given the faulty perception that the Boston Police Department is willing to sacrifice the Constitutional rights of citizens in order to bring criminals to justice. Nothing could be farther from the truth. It is my intent to re-state what department policy and procedures have been and will continue to be, particularly in regard to the Fourth Amendment.

The Department will continue to utilize any and all of its resources to protect citizens from those persons who willfully interfere with any citizen's free exercise and enjoyment of constitutionally protected rights. One of the most valuable procedures available to police officers in performing this duty is, and has been since 1968; the Threshold Inquiry (Terry v. Ohio). This procedure has been a very useful tool and when properly understood and utilized has proven to be effective against the criminal suspect, yet protective of the state and federal Constitutional rights.

THE STOP

An officer may not stop every person whom he sees, but he may stop those with respect to whom he has a reasonable suspicion that they are engaged in criminal activity. Simply stated, this means that if an officer observes activity, which based on his training and experience leads him reasonably to suspect, on grounds that he could explain, that a person has, is or is about to commit a crime, the officer may briefly detain that person to investigate.

This detention may be based on less than probable cause, but reasonable suspicion is more than a hunch or mere suspicion, or good faith belief. Reasonable suspicion may be founded on an officer's personal observations or may be based on information received together with the reasonable inferences which may be drawn from those observations and/or information.



MENTION AT ROLL CALLS

POST UNTIL Indefinite

BOSTON POLICE DEPARTMENT
AND CONSTITUTIONAL RIGHTS
PAGE TWO

Since the stop is based on less than probable cause, it must be brief and must not turn into a custody situation normally associated with an arrest. There are no specific time limits as to how long a Threshold Inquiry may last, and appropriateness will be determined on a case by case basis as dictated by the totality of the circumstances. The officer should make a common sense objective determination as to how he may quickly yet thoroughly, confirm or dispel his suspicions.

THE FRISK

If the officer has objective facts which he can explain and which lead him to believe that the person with whom he is dealing may be armed, and thus that the person may pose a threat to the officer or others, the officer may frisk that person. Generally, a frisk is limited to a pat down of the outer clothing and the area within the immediate control of the person. The purpose of a frisk is to discover weapons. A FRISK MAY NEVER BE CONDUCTED FOR THE PURPOSE OF FINDING EVIDENCE.

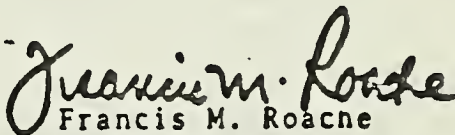
A frisk, like the initial stop, is based on a standard which is less than probable cause. It must not turn into a search unless the frisk itself reveals evidence which would rise to the level of probable cause. A frisk cannot extend into a pocket or inside articles carried by a person.

MOTOR VEHICLES

The Threshold Inquiry may extend to people in motor vehicles, as long as an officer has reasonable suspicion that the occupants are engaged in criminal activity. If the officer has facts which he can explain and which lead him to believe that a weapon may be present, he may frisk the driver and passengers, and may search for a weapon in the passenger compartment of the car (including unlocked containers). An officer must remember that he is looking only for weapons, and may not look inside containers which could not hold a weapon.

BOSTON POLICE DEPARTMENT
AND CONSTITUTIONAL RIGHTS
PAGE THREE

As indicated above, the principles re-stated in this memorandum are not simply the policy of this department; they reflect and are dictated by the very highest (and controlling) law of the land. The very essence of our democratic values depends on the department's ability, will and resolve to protect the constitutional rights of citizens. Officers performing their duties at the highest level of professionalism, in cooperation with the community they serve, will be the benchmark of commitment to treating the citizens with responsiveness, respect and dignity. Thus all will be assured of the continued livability of the City, the peace and safety of its citizens and the swift apprehension and prosecution of those who would violate her laws.


Francis M. Roache
Police Commissioner

DRAFT

Boston Police

COMMISSIONER'S MEMORANDUM
NUMBER

TO: ALL BUREAUS, DISTRICTS,
AREAS, DIVISIONS, OFFICES,
SECTIONS, AND UNITS

COPIES TO: ALL SUPERINTENDENTS,
DEPUTY SUPERINTENDENTS,
AND DIRECTORS

September 26, 1990

SUBJECT: ESTABLISHMENT OF NEUTRAL LOCATIONS FOR CITIZEN COMPLAINTS

Recently, an advisory committee composed of Judge Edward F. Hennessey, Chief Justice (retired) of the Supreme Judicial Court of the Commonwealth, Professor Charles Ogletree of the Harvard Law School, Dean Norman Rosenblatt of the College of Criminal Justice of Northeastern University and Luis Velez, Executive Director of the Roxbury Youthworks, reviewed the Boston Police Department's policies and procedures in the area of search and seizure. I made the request based on my firm belief that the Boston Police Department is a highly professional organization which performs its duties in a manner consistent with the requirements of the United States Constitution.

While the report was generally favorable, it stated, in part, "We find it regrettable that some citizens alleged that they have valid complaints of illegal searches, and yet some have not addressed those complaints to the Commissioner. Our review of the Department's processing and disposition of complaints in past years reflects good response, and discipline of officers where warranted." Thus, the committee recommended the establishment of neutral locations in the community where complaints of alleged misconduct could be filed.

Therefore, in view of the department's publicly stated goals of guaranteeing the constitutional rights of all citizens and promoting the professionalism of the Boston Police Department, fifteen (15) community based locations will be utilized by the department to receive complaints from citizens. A sworn superior officer will be available at these locations in accordance with the timetable included in this order. The superior officers at these locations will be available to any citizen without an appointment.

While the realities of providing police services in an urban setting remain increasingly difficult, I believe this action will serve the interests of the department by eliminating undocumented and vague accusations of misconduct in favor of a credible and professional mechanism of internal review. At the same time, the few people who have expressed reservations about making a complaint out of fear that their concerns will not be seriously addressed will have the opportunity to be heard. Most importantly, the greater portion of the community we serve will be assured that aggressive, proactive police activities are entirely consistent with the guarantees of the United States Constitution.



TWO
UNITY REPORTING LOCATIONS

MONDAY

8 - 11:00AM

Noon - 2:00PM

3:00 - 5:00PM

Community School
Albott Avenue
Roxbury, MA
596

Roxbury Multi-Service Center
317 Blue Hill Avenue
Roxbury, MA
427-4470

Mission Church
1545 Tremont Street
Roxbury, MA
445-2600

TUESDAY

8 - 11:00AM

Noon - 2:00PM

3:00 - 5:00PM

Westtown
Community School
Medford Street
Westtown, Ma
2770

Condon Community
School
200 D Street
South Boston, MA
269-4320

South End Boys/Girls Club
1500 Washington Street
Boston
536-5260

WEDNESDAY

8 - 11:00AM

Noon - 2:00 PM

3:00 - 5:00 PM

Lincoln Park Community
Center, 150 American
Highway
Roslindale, MA
4-1900

Jamaica Plain Community
Center, Washington and
Williams Streets,
Jamaica Plain, MA
522-3141

Fenway Community Health
Center
16 Haviland Street
Boston, MA
267-7573

THURSDAY

8 - 11:00AM

Noon - 2:00PM

3:00 - 5:00PM

Laborside Community
School, 312 Border
Street, East Boston
6-6800

North End Union
20 Parmenter Street
North End
227-2927

Quincy Community School
885 Washington Street
Boston, MA
426-6660

FRIDAY

8 - 11:00AM

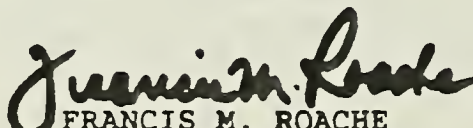
Noon - 2:00 PM

3:00PM - 5:00PM

Jackson Mann
Community School
80 Cambridge Street
Brighton, MA
73-2270

West Roxbury Boys Club
1716 Centre Street
West Roxbury, MA
325-2850

Roslindale
Municipal Building
Washington Street and
Cummins Highway,
Roslindale
323-8811


FRANCIS M. ROACHE
POLICE COMMISSIONER

DRAFT

COMMISSIONER'S MEMORANDUM: USE OF FIELD INTERROGATION AND/OR OBSERVATION REPORTS (F.I.O.) TO DOCUMENT STOP AND FRISK ACTIVITIES

In the performance of their duty, police officers must occasionally conduct on sight investigations of individuals suspected of either having just committed a crime or about to commit a crime. There is an inherent danger to such stops, regardless of whether the individual(s) in question are on foot or operating a motor vehicle and officers must take every reasonable precaution to protect themselves. Therefore, under certain circumstances, as defined by the United States Supreme Court, officers are allowed to "frisk" a person they have legally detained to protect themselves from concealed weapons. However, it is of equal importance that the individual rights of each citizen are protected by strict adherence to the requirements established by the court. This memorandum is provided as a guide for officers in conducting stop and frisk activities.

On May 23, 1989, I issued Commissioner's Memorandum 89-35, The Department's Role as Guardian of Civil Rights. The purpose of that memorandum was to emphasize the vital importance of the Constitution, particularly in terms of the First, Fourth, Fifth, Sixth and Fourteenth Amendments in guiding officers' judgments and actions. Additionally, that memorandum reiterated the department's long held commitment to treating every citizen with dignity and respect in order to build an atmosphere of cooperation between citizens and police officers.

On October 12, 1989 I issued Commissioner's Memorandum 89-76, The Boston Police Department and Constitutional Rights. That memorandum identified the "Threshold Inquiry" as a valuable procedure in the protection of the public and clarified the elements of the law governing the rights and responsibilities of officers stopping and frisking an individual based on reasonable and articulable facts as enumerated by the United States Supreme Court in the case of Terry v. Ohio. I cannot emphasize strongly enough restraints the court has placed on the right of a police officer to frisk a suspect:

If the officer has objective facts which he can explain and which lead him to believe that the person with whom he is dealing may be armed, and thus that person may pose a threat to the officer or others, the officer may frisk that person. A frisk is limited to a pat down of the outer clothing and the area within the immediate control of the person. The purpose of the frisk is to discover weapons. A FRISK MAY NEVER BE CONDUCTED FOR THE PURPOSE OF FINDING EVIDENCE.

PAGE THREE

USE OF F.I.O.s DURING STOP AND FRISK ACTIVITIES

must be known to the police before the stop and frisk occurs, and must be personal to the subject who is to be searched. A search on the basis of "profile" only, such as the subject conforming to a particular age, skin color and neighborhood, is unlawful.

Officers stopping to conduct a threshold inquiry or a stop/frisk must notify the Operations Division that they are on a "Code 30", their location and the number of persons being stopped.

Officers will briefly advise the person(s) being stopped the reason for the action.

Plainclothes officers and detectives must verbally announce that they are Boston Police Officers to the person(s) being stopped and, if practicable, display their badge on their outer clothing.

Police Officers who conduct an actual frisk of an individual they have stopped must check the box in the upper right hand corner of the F.I.O. Form 2487 titled "Frisked."

Patrol Supervisors will respond to and monitor Code 30 situations as often as possible and record their response on the Patrol Supervisor's log.

Pursuant to Rule 323, Section 5, officers will submit completed F.I.O. forms to their Duty Supervisor by the end of their tour of duty. The Duty Supervisor will review the forms for completeness and clarity and sign the form.

Pursuant to Rule 323, Section 6, the Commanding Officer of each Area or Unit, or his designee, shall review each F.I.O. submitted by his subordinates. After such review, the original copy of each F.I.O. shall be sent to the Intelligence Unit, via the Bureau of Investigative Services, within twenty-four hours. The officer reviewing the form shall initial it on the face side.

The carbon copy of the F.I.O. shall be filed in the Area or Unit to which the officer who completed the form is assigned. The files shall be securely maintained, preferably in the office of the Commanding Officer.

Copies of the F.I.O. Form 2487 audit sheets shall be forwarded via the Bureau of Investigative Services to the Intelligence Unit and the Bureau of Professional Standards. Commanding officers shall maintain a secure filing system containing audit sheets which shall be subject to unannounced inspection by members of the Bureau of Professional Standards.

DRAFT

EXHIBIT FOUR - PAGE 4

PAGE FOUR

USE OF F.I.O.s DURING STOP AND FRISK ACTIVITIES

The principles in this directive are not simply the policy of the Boston Police Department; they reflect and are dictated by the highest controlling law of the United States. Thus, meticulous adherence to the rules and directives of the department will ensure that the dignity of each citizen is respected and individual civil rights are protected.

Francis M. Roache
Police Commissioner

EXHIBIT FOUR - PAGE 6

F.I.O. RECORD - TICKET DISTRIBUTION CONTROL LOG

[illegible]

EXHIBIT FIVE

VALUES OF THE BOSTON POLICE DEPARTMENT

THE FIVE ETHICAL STANDARDS OF PROFESSIONAL POLICING:

STANDARD ONE:

As a social resource, the Police must provide FAIR ACCESS to their services.

STANDARD TWO:

CITIZENS, having renounced their LEGAL RIGHT TO USE FORCE, have made police work a PUBLIC TRUST.

STANDARD THREE

The Police must balance the goal of maintaining SAFETY AND SECURITY with the goal of law enforcement.

STANDARD FOUR:

To provide safety and security most effectively, police work must meet the tests of TEAMWORK, COORDINATION, COMMUNICATION, AND COOPERATION.

STANDARD FIVE:

Police work is a social role that often requires the officer to set aside personal feelings and DEMONSTRATE OBJECTIVITY.

DEPARTMENT VALUES

The Values are to:

- I. GUARANTEE THE CONSTITUTIONAL RIGHTS OF ALL CITIZENS.
- II. MAINTAIN THE HIGHEST STANDARDS OF HONESTY AND INTEGRITY.
- III. PROMOTE THE PROFESSIONALISM OF BOSTON POLICE PERSONNEL.
- IV. ENHANCE THE WORKING RELATIONSHIP BETWEEN THE DEPARTMENT AND THE NEIGHBORHOODS.
- V. IMPROVE THE QUALITY OF LIFE IN OUR NEIGHBORHOODS.

EXHIBIT FIVE - PAGE 2

VALUE STATEMENT

1. A Police Officer in the performance of his/her duties will be governed by the Rule of Law and respect for individual rights and freedoms. Central to the Rule of Law is the fact the people have given to the Police THE POWER TO USE FORCE, RESTRICT LIBERTIES, and INVESTIGATE THE PRIVATE AFFAIRS of the people. Therefore, an officer must at all times, in both word and action, conform to the spirit and letter of the LAW.
2. Integrity and accountability must be the foundation upon which the Rule of Law is sustained. Self-respect and empathy manifest themselves in the OBJECTIVITY, TRUST, COMPASSION and UNDERSTANDING an Officer brings to his/her job.
3. COURAGE, not only the courage to face real danger, but the courage to standup for moral and ethical principles, is a fundamental value of police work. An officer must be prepared to aggressively protect the PUBLIC TRUST to the limits of his/her capacity. Said protection is grounded in the basic worth and dignity of each person, and the diversity of our society.

EXHIBIT SIX

RULE NO. 109
Sections 45-47

Sec. 45

Notification of Internal Affairs Division. The Internal Affairs Division shall be notified immediately upon receipt of a complaint alleging:

- a) Brutality, death or serious injury caused by a Department employee.
- b) Firearm discharge resulting in personal injury or property damage caused by a Department employee.
- c) The commission of a felony by a Department employee.
- d) Possible corruption or bribery of a Department employee.
- e) When in the judgement of the superior officer receiving the complaint an immediate investigation by the Internal Affairs Division is justified.
- f) If the employee against whom the complaint is rendered so requests.

This immediate notification will be in addition to and separate from the regular distribution outlined in section 44.

Sec. 46

Monitoring of Complaint Control Forms.

- a) The Bureau of Investigative Services shall maintain a log of all Complaint Control forms issued to all districts and units. The log shall record the date each form was issued and the district or unit to which the form was issued. The log shall also record the date the form was used and the name and rank of the officer who completed the form.
- b) The Bureau of Investigative Services shall maintain a file of all cases investigated.
- c) Access to the complaint file shall be authorized in writing by the Police Commissioner, the Superintendent of the Bureau of Investigative Services or the Commanding Officer of the Special Investigations Unit.

Sec. 47

An employee against whom a complaint has been made shall not attempt, directly or indirectly, by threat, appeal, persuasion or the payment of promise of money or other things of value, to secure the withdrawal or abandonment of the complaint. Such actions shall be dealt with very strictly by the Department.

Boston Police

COMMISSIONER'S MEMORANDUM
NUMBER 90-46

TO: ALL BUREAUS, DISTRICTS,
AREAS, DIVISIONS, OFFICES,
SECTIONS, AND UNITS

COPIES TO: ALL SUPERINTENDENTS,
DEPUTY SUPERINTENDENTS,
AND DIRECTORS

October 24, 1990

SUBJECT: ESTABLISHMENT OF NEUTRAL LOCATIONS FOR CITIZEN COMPLAINTS

Recently, an advisory committee composed of Judge Edward F. Hennessey, Chief Justice (retired) of the Supreme Judicial Court of the Commonwealth, Professor Charles Ogletree of the Harvard Law School, Dean Norman Rosenblatt of the College of Criminal Justice of Northeastern University and Luis Velez, Executive Director of the Roxbury Youthworks, reviewed the Boston Police Department's policies and procedures in the area of search and seizure. I made the request based on my firm belief that the Boston Police Department is a highly professional organization which performs its duties in a manner consistent with the requirements of the United States Constitution.

While the report was generally favorable, it stated, in part, "We find it regrettable that some citizens alleged that they have valid complaints of illegal searches, and yet some have not addressed those complaints to the Commissioner. Our review of the Department's processing and disposition of complaints in past years reflects good response, and discipline of officers where warranted." Thus, the committee recommended the establishment of neutral locations in the community where complaints of alleged misconduct could be filed.

Therefore, in view of the department's publicly stated goals of guaranteeing the constitutional rights of all citizens and promoting the professionalism of the Boston Police Department, fifteen (15) community based locations will be utilized by the department to receive complaints from citizens. A sworn superior officer will be available at these locations in accordance with the timetable included in this order. The superior officers at these locations will be available to any citizen without an appointment.

While the realities of providing police services in an urban setting remain increasingly difficult, I believe this action will serve the interests of the department by eliminating undocumented and vague accusations of misconduct in favor of a credible and professional mechanism of internal review. At the same time, the few people who have expressed reservations about making a complaint out of fear that their concerns will not be seriously addressed will have the opportunity to be heard. Most importantly, the greater portion of the community we serve will be assured that aggressive, proactive police activities are entirely consistent with the guarantees of the United States Constitution.



TWO
COMMUNITY REPORTING LOCATIONS

MONDAY

9:00 - 11:00AM

Community School
Talbot Avenue
Chester, MA
-6596

Noon - 2:00PM

Roxbury Multi-Service Center
317 Blue Hill Avenue
Roxbury, MA
427-4470

3:00 - 5:00PM

Mission Church
1545 Tremont Street
Roxbury, MA
445-2600

TUESDAY

9:00 - 11:00AM

Charlestown
Community School
Medford Street
Charlestown, Ma
-2770

Noon - 2:00PM

Condon Community
School
200 D Street
South Boston, MA
269-4320

3:00 - 5:00PM

South End Boys/Girls Club
1500 Washington Street
Boston
536-5260

WEDNESDAY

9:00 - 11:00AM

Sea Park Community
Center, 150 American
Reign Highway
Roslindale, MA
5-1900

Noon - 2:00 PM

Jamaica Plain Community
Center, Washington and
Williams Streets,
Jamaica Plain, MA
522-3141

3:00 - 5:00 PM

Fenway Community Health
Center
16 Haviland Street
Boston, MA
267-7573

THURSDAY

9:00 - 11:00AM

Harborside Community
School, 312 Border
Street, East Boston
7-6800

Noon - 2:00PM

North End Union
20 Parmenter Street
North End
227-2927

3:00 - 5:00PM

Quincy Community School
885 Washington Street
Boston, MA
426-6660

FRIDAY

9:00 - 11:00AM

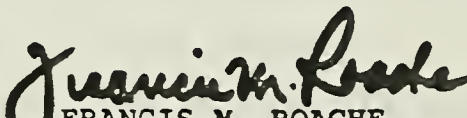
Jackson Mann
Community School
100 Cambridge Street
Brighton, MA
83-2270

Noon - 2:00 PM

West Roxbury Boys Club
1716 Centre Street
West Roxbury, MA
325-2850

3:00PM - 5:00PM

Roslindale
Municipal Building
Washington Street and
Cummins Highway,
Roslindale
323-8811


FRANCIS M. ROACHE
POLICE COMMISSIONER

STATEMENT OF ATTORNEY GENERAL JAMES M. SHANNON
October 13, 1989

The strong enforcement of the rule of law requires meticulous respect for the rights of all. There is no inconsistency in being tough on crime and being strong on individual liberties. Without civil liberties there can be no civilized society.

There were 30,000 arrests on the streets of Boston last year. 30,000. The police officer on the streets of Boston, under extreme stress, is required to make instantaneous judgments which often are later subject to exhaustive, painstaking analysis in the courts. That is difficult but necessary; it is a linchpin of justice.

I recognize that, and so does the leadership of the Boston Police. It has been demonstrated to me that there is no so-called "search-on-sight" practice as a matter of policy. That position has been reaffirmed today by the executive memorandum issued by the Commissioner to all Boston police officers. The Mayor and the Commissioner have assured me that compliance with the procedures and principles restated in that memorandum will be carefully monitored and enforced.

It is perfectly appropriate for the defense counsel and for Judges to raise their concerns that the civil rights of individuals are being abrogated by the efforts of police to rid the city of drive-by murderers and poisonous drugs.

Does an individual officer in a particular moment on a particular street occasionally react too quickly, or over zealously? Yes, it happens. It likely will continue to happen despite our best efforts and the best efforts of Commissioner Roache.

Is the compromise of individual civil rights justified by the intensity of the violence in our streets? Absolutely not. It is an unfortunate fact of life which we in law enforcement strive daily to eradicate. Such cases should be -- and will be -- thrown out of court.

Do police commanders sometimes, in their frustration and in their desire to send a strong message to gangsters and gang members occasionally overstate the nature of their crackdown? Yes, I think they do. Such statements are inappropriate, counterproductive, and should be countermanded.

I have discussed these concerns with defense counsel. I have reviewed the statements of police, and I have met with the Commissioner, members of his command staff, and with the Suffolk County District Attorney. I am convinced that there is no "search-on-sight" policy in the Boston Police Department.

If that policy were to exist, it would clearly be unconstitutional. We would make certain that it did not survive. If a demonstrable, consistent pattern of such conduct is shown to exist, I would not hesitate to stop it.

Kenneth Lowe, a 26 year old black man, with a criminal history of at least six prior arrests testified at a deposition hearing conducted in the civil action of Rolando Carr, et al v. City of Boston, et al that "[a]round September, end of September sometime" while standing and talking in front of 15 Franklin Hill Avenue, to someone whose last name he did not know, he was ordered against a wall and frisked by two black men in plain clothes. These men did not identify themselves nor did they display a badge of any kind. Lowe did not complain to anyone other than his mother concerning this incident. At no time did Mr. Lowe nor his attorney, even after the initiation of the law suit in which he was a plaintiff make any attempt with the Boston Police to ascertain if the two alleged black men were in fact officers of the Boston Police Department. Mr. Carr nor his attorney did not produce or otherwise identify the man with whom Carr was allegedly conversing, although this man lives at 15 Franklin Hill Avenue.

The second alleged incident involving Mr. Lowe occurred "October 2nd, something around that time". Lowe, while watching videos in his mother's home at 15 Franklin Hill Avenue, heard someone run up the hallway stairs and then heard the roof door slam, inferring that whoever had run up the stairs had gone onto the roof. Lowe left his mother's apartment out of "curiosity", went downstairs to the second floor when police officers who were coming upstairs confronted him and told him to "freeze". The officers then allegedly stripped searched Mr. Lowe. At no time was there anyone else in the hallway nor did anyone come to their doors during this episode. Mr. Lowe did not complain to anyone

except his attorney about the incident. Although Mr. Lowe claimed that he can identify the officers, neither he nor his attorney had attempted to do so.

The third incident involving Mr. Lowe cited in the Attorney General's report that led to the shooting of Rolando Carr. It is well documented in the trial documents that two detectives assigned to the Intelligence Unit were on a nighttime investigation concerning recent shootings and stonings of police cars and MBTA busses as well as reports of a bounty being placed on the life of any police officer allegedly by gang members of the Franklin Hill Giants. Mr. Lowe was stopped with Mr. Carr and another individual after they appeared to be placing objects inside their pants as they were approaching the officers. The officers stopped the men out of fear for their safety. Two bottles of alcohol were recovered from the men during the incident. The Boston Police Department is conducting an ongoing investigation into the circumstances surrounding the shooting of Rolando Carr.

Malik Staten has not been able to provide specific dates concerning the allegations that he had been stopped and searched on three occasions in 1989. Mr. Staten has stated that he and several "friends" were subjected to stops and frisks, but Mr. Staten does not know the last names nor addresses of these friends to assist the Boston Police Department in furthering the investigation concerning his allegations.

Darren Borden was able to articulate four specific instances of being stopped by Boston Police. Only in two of the incidents was he able to provide specific dates and times. One incident involved a shooting that he witnessed, wherein he was patted down by police officers. Another incident involved his being with a youth whom he identified as "Kilo", a common word used by drug traffickers. "Kilo" fled the scene when he observed police officers in the area. Darren Borden never filed a complaint concerning these alleged incidents with the Boston Police Department.

The Rolando Carr case was settled by the parties by the payment of \$100,000.00 to the plaintiff Carr "for settlement of his (Carr's) claims for all personal injuries arising out of the incident which occurred on October 10, 1989 (the shooting incident). The remaining claims of Kenneth Lowe, Malik Staten, Darren Borden and Howard Borden are dismissed with prejudice as to the City of Boston. Although the plaintiffs originally sought a declaration that the policies of the Boston Police Department concerning stop and frisks are unconstitutional and injunctive relief to prevent these alleged illegal stops, the plaintiffs abandoned their claims, upon settlement of the case with Mr. Carr.

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The second alleged incident involving Mr. Lowe occurred "October 2nd, something around that time". Lowe, while watching videos in his mother's home at 15 Franklin Hill Avenue, heard someone run up the hallway stairs and then heard the roof door slam, inferring that whoever had run up the stairs had gone onto the roof. Lowe left his mother's apartment out of "curiosity", went downstairs to the second floor when police officers who were coming upstairs confronted him and told him to "freeze". The officers then allegedly stripped searched Mr. Lowe. At no time was there anyone else in the hallway nor did anyone come to their doors during this episode. Mr. Lowe did not complain to anyone

except his attorney about the incident. Although Mr. Lowe claimed that he can identify the officers, neither he nor his attorney had attempted to do so.

The third incident involving Mr. Lowe cited in the Attorney General's report that led to the shooting of Rolando Carr. It is well documented in the trial documents that two detectives assigned to the Intelligence Unit were on a nighttime investigation concerning recent shootings and stonings of police cars and MBTA busses as well as reports of a bounty being placed on the life of any police officer allegedly by gang members of the Franklin Hill Giants. Mr. Lowe was stopped with Mr. Carr and another individual after they appeared to be placing objects inside their pants as they were approaching the officers. The officers stopped the men out of fear for their safety. Two bottles of alcohol were recovered from the men during the incident. The Boston Police Department is conducting an ongoing investigation into the circumstances surrounding the shooting of Rolando Carr.

Malik Staten has not been able to provide specific dates concerning the allegations that he had been stopped and searched on three occasions in 1989. Mr. Staten has stated that he and several "friends" were subjected to stops and frisks, but Mr. Staten does not know the last names nor addresses of these friends to assist the Boston Police Department in furthering the investigation concerning his allegations.

Darren Borden was able to articulate four specific instances of being stopped by Boston Police. Only in two of the incidents was he able to provide specific dates and times. One incident involved a shooting that he witnessed, wherein he was patted down by police officers. Another incident involved his being with a youth whom he identified as "Kilo", a common word used by drug traffickers. "Kilo" fled the scene when he observed police officers in the area. Darren Borden never filed a complaint concerning these alleged incidents with the Boston Police Department.

The Rolando Carr case was settled by the parties by the payment of \$100,000.00 to the plaintiff Carr "for settlement of his (Carr's) claims for all personal injuries arising out of the incident which occurred on October 10, 1989 (the shooting incident). The remaining claims of Kenneth Lowe, Malik Staten, Darren Borden and Howard Borden are dismissed with prejudice as to the City of Boston. Although the plaintiffs originally sought a declaration that the policies of the Boston Police Department concerning stop and frisks are unconstitutional and injunctive relief to prevent these alleged illegal stops, The plaintiffs abandoned their claims, upon settlement of the case with Mr. Carr.





